

THE MONROE COUNTY
DISTRICT ATTORNEY'S OFFICE



2012
ANNUAL
REPORT



OFFICE OF THE

District Attorney

OF MONROE COUNTY

SUITE 832

EBENEZER WATTS BUILDING
ROCHESTER, NEW YORK 14614

TABLE OF CONTENTS

A Message from District Attorney Sandra Doorley	2	Major Felony Bureau	34-42
West Webster Fire Department Memorial Page	4	Non Violent Felony Bureau	45-48
District Attorney Sandra Doorley Bio	5	Special Victims Trial Division	49-54
First & Second District Attorneys	6	DWI Bureau	55-63
Executive Overview	7	Special Investigations Bureau	65-68
Financial Overview	8-9	Economic Crimes Bureau	70-75
Forfeitures	10	Appeals Bureau	76-78
The 2012 Bureau Reorganization	11-12	Local Courts Bureau	81-83
Organizational Charts	13-14	Grand Jury Bureau	84-85
Community Outreach Programs	15-20	Victim Witness Bureau	86-87
Criminal Case Flow Chart	21	DA Investigators	88-90
Bureau Reports Introduction Page	22	Support Staff	91-92
Homicide Division	23-33	Contact Page	93



The Monroe County District Attorney's Office

A Message From District Attorney Sandra Doorley

Thank you for your interest in the Monroe County District Attorneys Office and for taking the time to review our 2012 Annual Report. This report, which chronicles my first year as Monroe County's chief law enforcement officer, offers a wealth of information on the office's many distinct bureaus, programs and functions while also providing a representative sample of the thousands of cases that our office prosecuted in 2012 on behalf of the people of Monroe County.

Upon being sworn in as District Attorney in January of 2012, I set out to update and improve our bureau structure by re-assigning certain crimes to different bureaus and by creating three new bureaus in an effort to increase prosecutor specialization and improve outcomes. Most importantly, I set out to renew our office's focus on victims and victim's rights, creating the Special Victims Trial Division in an effort to ensure that sex crimes and crimes affecting the most vulnerable members of our community received the specialized resources, attention and services that they so often require. This renewed focus not only enhances our ability to help victims and their families rebuild their lives, but reminds each of our office's 78 attorneys of their critical mission in service to this community. In addition to significant organizational improvements, I have increased our office's emphasis on sharpening and enhancing the effectiveness of our prosecutors by placing greater emphasis on attorney training, bringing to our office one of our region's most experienced and successful prosecutors to lead in that effort.



In 2012, I am proud to report that our office successfully prosecuted 5305 felony cases and 18,281 misdemeanor cases, maintaining a 93% conviction rate, once again surpassing the statewide average for convictions in felony and violent felony cases. Our continued policy of vertical prosecutions have allowed specialized prosecutors to handle cases matching their unique expertise, and we have enjoyed continued success in our strategy of fighting violent crime and illegal use of firearms by restricting plea policies. This impressive track record has been maintained despite our office's unyielding approach to prosecution, pursuing charges against defendants in even the toughest of cases in the furtherance of justice. The core mission of the District Attorney's Office is to protect the community by prosecuting the perpetrators of crimes, and with the help of Monroe County's many dedicated police agencies, we have focused intently on conducting each of those prosecutions with only the highest standards of fairness and effectiveness.

In addition to the work we've done in the courtroom, our office has continued its outreach to the community by participating in a variety of law enforcement-related endeavors like Project TIPS and the National Night Out events, as well as our charitable partnerships including major support of the Boys & Girls Clubs of Rochester, Rochester Teen Court, and the Pencil Partner program

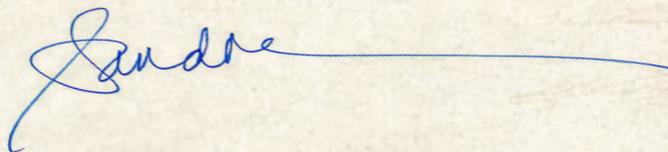
with Rochester School #3. Through initiatives like Project STEP UP, we have remained committed to proactive crime prevention initiatives and public education programs that address the factors that drive crime in our communities. In addition, these programs highlight the critical work that our community partners and service providers perform including Gary Mervis and the project EXILE advisory board, our Project TIPS partners, and the many incredible service agencies that we work with including Bivona Child Advocacy Center , Alternatives for Battered Women, and the Domestic Violence Consortium, just to name a few.

My inaugural year as District Attorney provided not only significant organizational and prosecutorial challenges, but financial challenges as well. We've met those financial challenges head-on, expanding and improving our services to the community while maintaining near-zero budgetary growth—the only division in the whole of Monroe County government able to make such a claim. Many of the changes that were made during our reorganization created new efficiencies and allowed us to add attorneys while expanding our prosecutorial reach, all without increasing costs. In addition, we have continued to pursue Federal and NYS grant funding to support our work and have used money forfeited from criminal activity to fund appropriate prosecution initiatives and program support, thereby decreasing the burden on Monroe County taxpayers.

This record of accomplishment in prosecuting cases, engaging in public service, and carefully managing our public funds in a year of contracting budgets would not have been possible without the commitment of the dedicated group of people who make up the staff of the Monroe County District Attorney's Office. Along with our incredible law enforcement partners, I am privileged to work each day with a group of dynamic and intelligent attorneys and support staff who share in my passion for this work and in my dedication to this community.

I hope that you find this report useful, informative, and engaging, and that it gives you, the reader, insight into both our criminal justice system and the work that our office does on behalf of the citizens of Monroe County each and every day. With 2013 already underway, I look forward to reporting next year on the extraordinary work that this office and its dedicated staff are doing even now, and hope to see you and all of the wonderful members of our community at the many events, seminars, and information sharing meetings that both I and my staff attend throughout the year.

As always, thank you for your continued support, and thank you for the honor of serving you as District Attorney.

A handwritten signature in blue ink, appearing to read "Sandra", followed by a long horizontal line extending to the right.

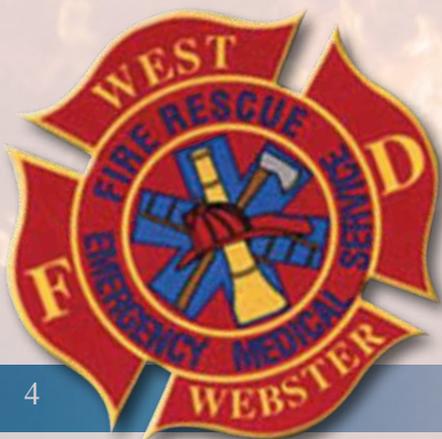
IN HONORED MEMORY OF

LT. MICHAEL CHIAPPERINI

&

TOMASZ KACZOWKA

**WHO ON THE MORNING OF DECEMBER 24, 2012
SACRIFICED THEIR LIVES
IN SERVICE TO THE COMMUNITY.**



**WE WILL
NEVER FORGET.**

MONROE COUNTY DISTRICT ATTORNEY SANDRA DOORLEY

Elected in 2011, Sandra Doorley is the first female District Attorney in Monroe County history. Prior to assuming office, Doorley served the District Attorney's Office with distinction for nearly twenty years, successfully prosecuting thousands of high profile criminal cases and compiling an impressive record of victories. After joining the office in 1992, Sandra Doorley served under two consecutive administrations in the following capacities:

- Chief of the Felony DWI Bureau (2004-2005)
- Deputy Chief of the Major Felony Bureau (2005-2008)
- Second Assistant District Attorney (2008)
- First Assistant District Attorney (2008-2011)
- Homicide Bureau Chief (2008-2011)



Recognized as a leader in the prosecution of cold cases using DNA evidence, District Attorney Doorley has successfully obtained indictments and convictions in such cases, including the 1976 murder of a young girl in Rochester and the conviction of a serial sex offender for murder and sexual assault. In January 2011, Sandra Doorley was honored by the New York State District Attorney's Association with the *Robert M. Morgenthau Award* in



Sandra Doorley being administered the Oath of Office by outgoing District Attorney Mike Green

recognition for her "professional accomplishments, honesty, integrity and commitment to the fair and ethical administration of justice." In addition to her duties as District Attorney, Sandra Doorley continues to assume the role of lead prosecutor on several current and pending homicide and criminal cases.

In addition to her duties as Monroe County's Chief law enforcement officer, Sandra Doorley is a member of the Greater Rochester Association for Women Attorneys and the Monroe County Bar Association as well as a member of the Boards of the Boys & Girls Club of Rochester, the National Center for Missing and Exploited Children, and the Huther Doyle substance abuse center. Each year, Ms. Doorley makes hundreds of public appearances, speaking to civic groups and at trainings and ceremonies both in her capacity as District Attorney and as an active member of the community. Doorley performed her undergraduate studies at the University at Albany and is a graduate of the Syracuse University School of Law. She currently lives with her family in Webster.

FIRST ASSISTANT DISTRICT ATTORNEY KELLY C. WOLFORD

The First Assistant District Attorney is appointed by the District Attorney and is responsible for homicide prosecutions and general office administration in addition to the direct oversight of five interoffice bureaus. Former Monroe County Court Judge Kelly C. Wolford was appointed First Assistant District Attorney in July 2011 after serving 2 years as Chief of



the Appeals Bureau. In her 15 year tenure at the DA's office, Wolford has successfully prosecuted hundreds of high profile criminal cases and is regarded as one of Monroe County's most experienced prosecutors.

Along with her work as a prosecutor, Kelly Wolford serves on the District Attorneys Association of New York's Legislative Committee and is a member of ABC Milestones Advisory Board. Wolford preformed her undergraduate studies at Allegheny College and is a graduate of the University of Dayton School of Law.

SECOND ASSISTANT DISTRICT ATTORNEY TIMOTHY L. PROSPERI

The Second Assistant District Attorney is appointed by the District Attorney and is responsible for both office administration and direct oversight of four interoffice bureaus. Timothy Proserpi was appointed by former District Attorney Michael Green in 2009 and was retained in that role by District Attorney Doorley when she assumed office in 2012. A 23 year veteran of the District Attorney's Office, Mr. Proserpi spent four years in private practice before entering public service, where he has successfully prosecuted hundreds of felony level offenders, including 20 homicides. Prior to his appointment as Second Assistant District Attorney, he was Chief of the Special Investigations Bureau and served as Deputy Chief of the Local Court Bureau.

Timothy Proserpi serves on the District Attorney's Association of New York's Best Practices Committee. He performed his undergraduate studies at the State University of New York at Geneseo and is a graduate of the University of Buffalo Law School.



The Monroe County District Attorney's Office

The Monroe County District Attorney's Office is charged with the fair and impartial prosecution of felony and misdemeanor crimes and violations perpetrated against the citizens of Monroe County. In addition, as a non-mandated service, the office prosecutes traffic infractions in many of the town and village justice courts in the county. With a staff of 79 sworn attorneys and 41 support staff, the DA's office is one of the largest law firms in Monroe County. Based on caseload (5,305 new felony case referrals and 18,281 non-felony arraignments in 2012), the Monroe County District Attorney's Office ranks in the top ten offices in counties statewide by case volume and regularly outperforms New York State average for conviction rates.

Assuming office in January 2012, District Attorney Sandra Doorley is a constitutional officer elected to a four-year term as Chief Prosecutor for Monroe County. First Assistant District Attorney Kelly Wolford and Second Assistant District Attorney Timothy Prosperi are appointed by the District Attorney and are each responsible for the supervision of several bureaus as well as overseeing all homicide prosecutions, evaluating each homicide arrest to determine the best prosecution strategies to ensure a conviction, and assigning such cases to other experienced Assistant District Attorneys (ADA's) on staff. The office is structured into a number of specialized bureaus, each prosecuting particular types of cases, with each bureau overseen by a Bureau Chief. Some Bureau Chiefs report to the First Assistant District Attorney and the others to the Second Assistant District Attorney.

The Monroe County District Attorney's Office is located in the Ebenezer Watts Building at 47 Fitzhugh Street South, Rochester.



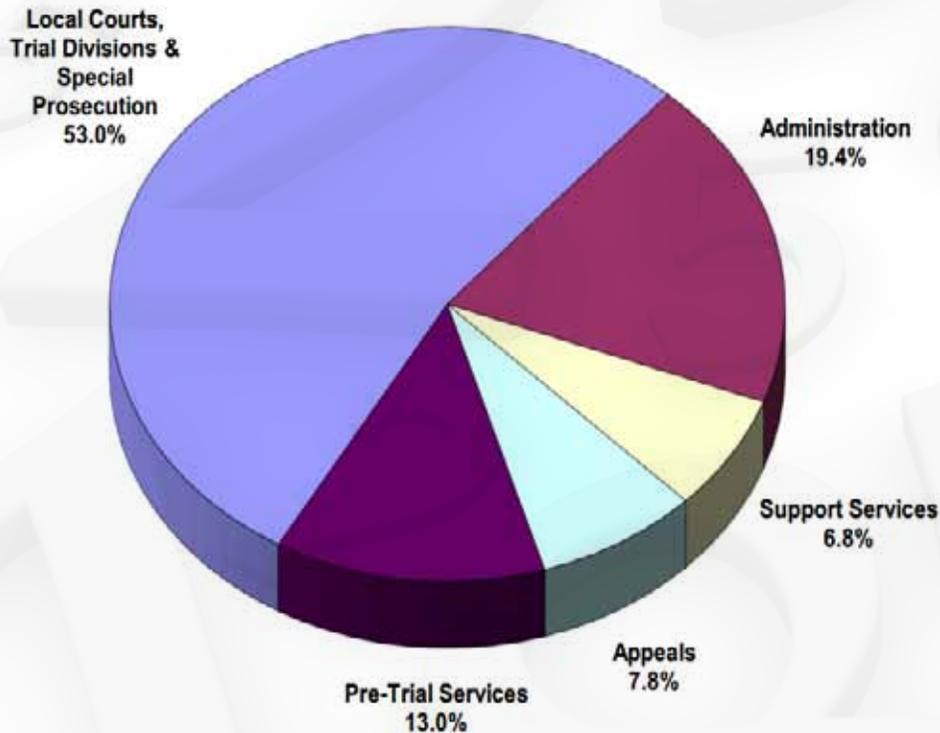
The original home of Ebenezer Watts, the current location of the Monroe County District Attorneys Office

The Monroe County District Attorney's Office 2012 Financial Overview

The District Attorney's Office plays an indispensable role in both the government and criminal justice systems in Monroe County. The importance of its mission, however, must be balanced with the responsible, effective and efficient use of public resources, always striving to not just maintain, but improve services and outcomes for the community. In 2012, the Monroe County District Attorney's Office continued its record of fiscal responsibility, holding the line on budgetary growth while expanding prosecutorial assets and programs. This was done in a variety of ways, from creating organizational efficiencies through restructuring to aggressively seeking Federal and State grant opportunities and forfeiture funds to reduce the burden on Monroe County taxpayers. In this era of decreasing budgets and leaner government, the Monroe County District Attorney's Office is committed to maximizing the effectiveness of its staff and its use of existing resources to enhance its ability to successfully prosecute increasing numbers of cases.

With 140 employees, the Monroe County District Attorney's Office represents one of the largest departments in Monroe County government, yet comprises only 1.3% of the overall County budget.

2012 Operating Budget - \$12,315,032*
2012 Grant Budget - \$1,667,908



*The work of the District Attorney's Office is mandated by State Law, with 100% of the budget dedicated to mandated functions.

2012 Budgetary Appropriations by Division & Bureau

Division/Bureau	Grant Budget 2012	Operating Budget 2012	Budget 2012
Admin/Support Services	\$173,133	\$3,971,003	\$4,144,136
Grand Jury Bureau	\$0	\$1,047,839	\$1,047,839
Appeals Bureau	\$0	\$1,119,946	\$1,119,946
DWI Bureau	\$0	\$474,868	\$474,868
Special Victims Trial Division	\$0	\$1,040,160	\$1,040,160
Local Courts Bureau	\$0	\$2,120,984	\$2,120,984
Economic Crime Bureau	\$366,062	\$751,816	\$1,117,878
Major Felony Bureau	\$1,128,713	\$1,143,479	\$2,272,192
Special Investigations Bureau	\$0	\$644,937	\$644,937
Total	\$1,667,908	\$12,315,032	\$13,982,940

2012 Budgetary Appropriations by Item

Object/Item	Grant Budget 2012	Operating Budget 2012	Budget 2012
Personnel Services	\$1,383,193	\$7,324,740	\$8,707,933
Contractual Services	\$25,000	\$672,273	\$697,273
Supplies/Materials	\$0	\$114,450	\$114,450
Debt Services	\$0	\$12,571	\$12,571
Employee Benefits	\$248,150	\$3,090,321	\$3,338,471
Interdepartmental Charges	\$11,565	\$1,577,496	\$1,589,061
Service Chargebacks	\$0	(\$476,819)	(\$476,819)
Total	\$1,667,908	\$12,315,032	\$13,982,940

Forfeiture Funds

Investigations into criminal activity, particularly those linked to drug crimes, can result in the seizure of large quantities of cash and consumer items by authorities. Some of this seized property and currency is referred to the United States Attorney’s Office for a process known as “Federal Adoptive Forfeitures.” Through this process, defendants that are duly convicted have the property they acquired in pursuit of their illicit activities liquidated and distributed among law enforcement agencies, including the District Attorney’s Office, who then use the money to purchase equipment, improve facilities, and conduct public awareness programs.

Not all forfeiture funds qualify for Federal government seizure, however, with New York State controlling much of the monies confiscated during felony arrests. Beginning in 2004, the Monroe County District Attorney’s Office Special Investigations Bureau, exercising its authority under Article 13-A of the New York State Civil Practice Law and Rules, works with State courts in order to receive portions of these confiscated funds for law enforcement activities within Monroe County.

In 2012, the Monroe County District Attorney’s Office received forfeiture funds totaling \$69,261 from both Federal and State sources, down slightly from the \$72,628 received in 2011.

Forfeiture Asset Attainment 2009-2012

Forfeiture Funds	2012	2011	2010	2009
Funds Received	\$69,261	\$72,619	\$82,608	\$40,381
Funds Spent	\$94,171	\$62,874	\$49,340	\$52,627

2012 Forfeiture Allocation

Expense	2012
Travel and Training	\$8,108
Community Based Programs	\$21,410
Witness Protection Services	\$12,275
Supplies & Equip. Maintenance	\$550
Law Enforcement Equipment	\$45,893
Investigative Services	\$4,034
Trial Expenses	\$1,901
Total	\$94,171

The Monroe County District Attorney's Office 2012 Bureau Reorganization

Since its inception over a century ago, the Monroe County District Attorney's Office has employed a structural model designed to ensure that criminal cases are disposed in a deliberate, efficient, and just manner utilizing the best practices available to serve the community. New laws, services, and prosecutorial techniques, however, can render old organizational models obsolete, requiring periodic review and restructuring to maintain the conviction rates and victim services that citizens expect while making the best and most efficient use of limited resources. By 2011, it had become clear that the old structure of the office, while functional, was no longer serving the varied and specialized needs of victims nor the enhanced prosecutorial model introduced by then-First Assistant District Attorney Sandra Doorley and her colleagues in the DA's Office.

Based on years of experience prosecuting cases and a comprehensive understanding of both available resources and the challenges facing prosecutors, District Attorney Doorley conducted the first reorganization of the Office bureau structure in nearly two decades, implementing a series of important changes designed to institutionalize best practices and reflect the needs of the District Attorney's Office in the Twenty First Century. This included the introduction of new bureaus, hiring new staff resources while re-assigning others, and the rerouting of certain types of crimes to different bureaus, all in an effort to increase prosecutor skill and specialization, provide better services to victims, and support the vertical prosecution model required to achieve positive and just outcomes for the community.

Perhaps the most ambitious and visible change in the Office since taking over in January of 2012, District Attorney Doorley's structural changes include:

Creation of the Economic Crime Bureau

Among the most high profile crimes committed in the nation over the last decade are crimes involving the theft of money from individuals and financial institutions through embezzlement or other fraudulent means, often on a massive scale. These so-called "white-collar crimes" have increased in both their frequency and sophistication, requiring specialized knowledge and techniques to achieve successful prosecutions.

Prior to January 2012, crimes such as fraud, tax evasion, identity theft, and forgery in Monroe County were handled by the office's Non-Violent Felony Bureau. As a result, economic crimes were frequently intermingled with a myriad of other crimes including vandalism, animal cruelty, contempt, and certain burglary crimes, making vertical prosecution and prosecutor specialization difficult. With an increasing number of cases involving economic crime activity, it became clear that the time had come for a separate, dedicated bureau. In January 2012, the Economic Crime Bureau was established, where it is now staffed by three full time, dedicated prosecutors.

Gun Prosecutions & The Special Investigations Bureau

For decades, gun crimes in Monroe County fell under the purview of the Major Felony Bureau, which is responsible for the prosecution of violent crimes including Assault, Attempted Murder, and Manslaughter. Over the years, however, it became clear that gun crimes were most often related to drug crimes, which are prosecuted by the District Attorneys Office's Special

Investigations Bureau. This condition created a confusing patchwork of interrelated cases, where Major Felony prosecutors were handling cases more appropriately handled by their colleagues in Special Investigations.

In her first week as District Attorney, Sandra Doorley transferred responsibility for most gun related prosecutions to the Special Investigations Bureau, unifying the cases of many defendants under the purview of a single prosecuting bureau, creating substantial new efficiencies and allowing prosecutors the ability to concentrate on their unique areas of specialization without the burden of being encumbered by outmoded practices.

The Special Victims Trial Division

All crime can have a profound effect on victims, but certain crimes like sexual assaults, child abuse and neglect, abuse of the elderly, and domestic violence can leave victims psychologically traumatized in a manner dissimilar from other crimes while leaving them without an emotional support structure. For this reason, the victims of these and similar crimes require not only specialized prosecutors to ensure justice, but specialized services in an effort to return a sense of peace and safety to their lives. In the past, rape, sexual assault, and certain domestic violence cases were handled by the Major Felony Bureau while incidences of theft from elderly members of the community were prosecuted by the Non-Violent Felony Bureau. Such structure, while still achieving convictions, was not ideal with regard to victim support nor prosecutor specialization.

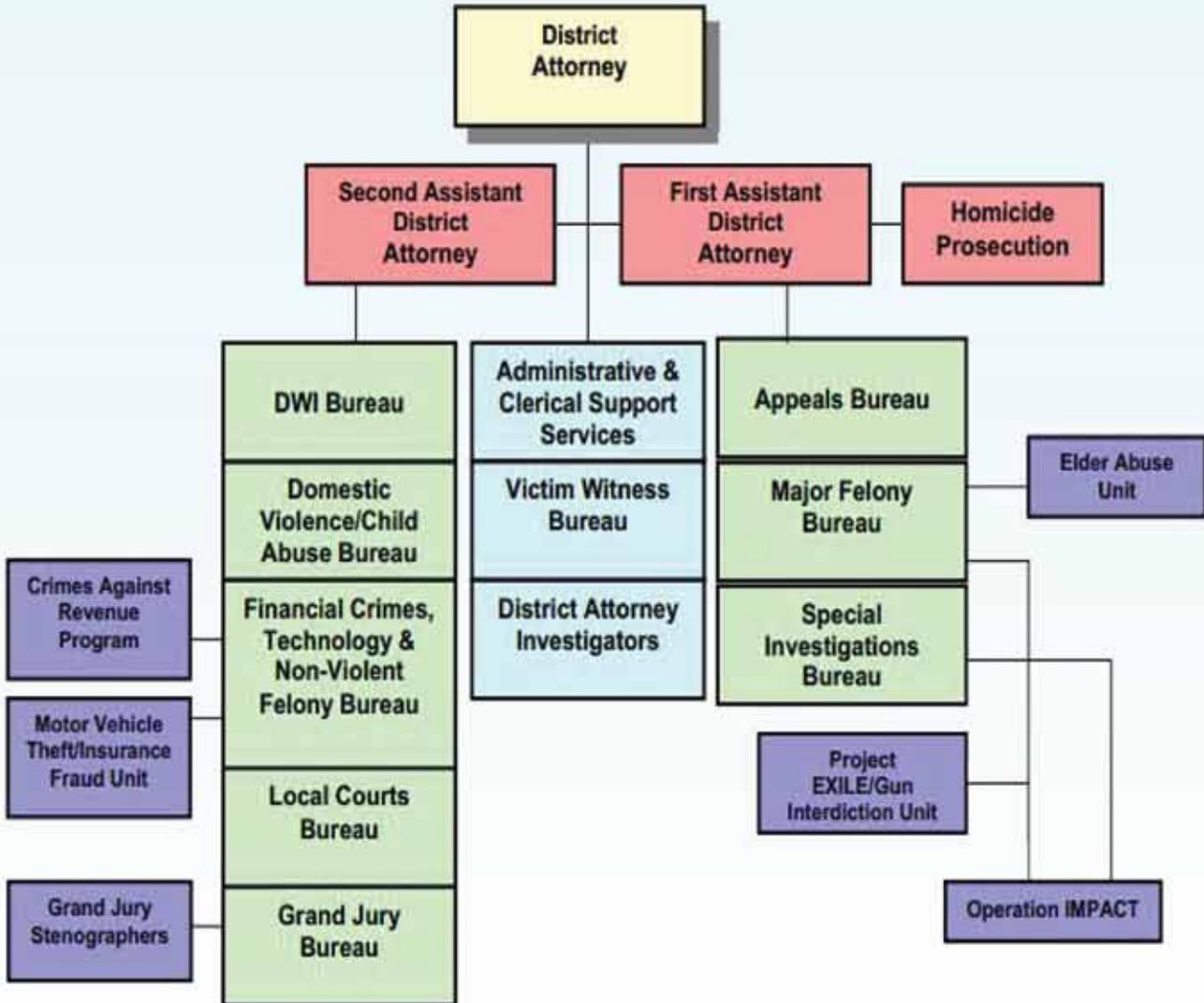
Launched in January 2012, the Special Victims Trial Division (SVTD) is composed of two new and two formerly combined bureaus that prosecute crimes committed against our community's most vulnerable victims while also remaining sensitive to the unique issues and dynamics associated with sexual assaults, domestic violence, and certain types of abuse. As the largest change made to the District Attorneys Office's structure, the SVTD includes the independent Domestic Violence, Child Abuse, Sex Crimes and Elder Abuse Bureaus, allowing prosecutors the ability to collaborate effectively while working to minimize the trauma suffered by victims.

The Director of Attorney Training

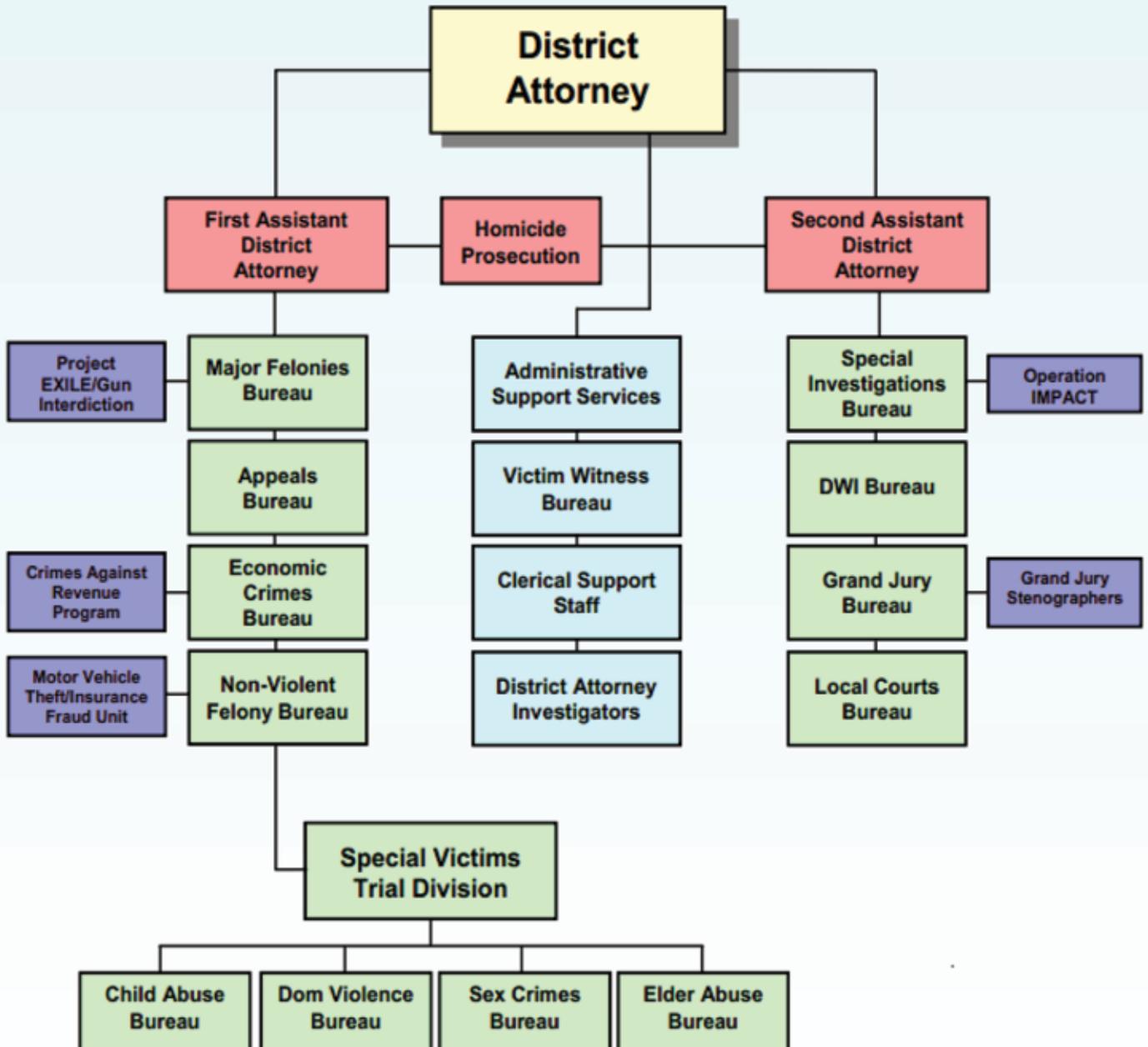
Like many professions, the legal profession is always changing, with new laws, procedures, techniques, and requirements being established in an effort to improve our State's dynamic criminal justice system. In an effort to ensure that the prosecutors working in the District Attorneys Office remain at the forefront of their field in their service to the people of Monroe County, District Attorney Doorley created the new position of Director of Attorney Training. Performed by the Grand Jury Bureau Chief, the Director of Attorney Training is tasked with maintaining the professional competency and readiness of prosecutors while improving presentation skills, courtroom etiquette, and research capabilities. In addition, the Director of Attorney Training works in concert with the District Attorney to establish and reinforce best practices, access readiness, and administer corrective actions.

Because the Director of District Attorney Training is an additional role assumed by the Grand Jury Bureau Chief, the position has no budgetary impact.

The Monroe County District Attorney's Office OLD Organizational Model



The Monroe County District Attorney's Office NEW Organizational Model



Effective January 2012

The Monroe County District Attorney's Office & The Boys & Girls Club of Rochester



The Monroe County District Attorney's Office is proud to be a major sponsor of the Boys & Girls Club of Rochester. Through this relationship, which is entering its 9th year, the District Attorney's Office is not only able to give back to the community it serves, but is also given the opportunity to have a positive impact on the lives of hundreds of urban youth in Monroe County through the Club's Accelerated Reader Program and Project Step-Up. As a community partner, the DA's Office is able to assist the Boys & Girls Club in their mission to provide youth development

programs that enable young people to acquire the skills and qualities needed to become responsible citizens and leaders. Since its inception, the Boys and Girls Clubs Movement has provided mentoring and leadership training specifically designed to change the lives of youth who face daily challenges such as poverty, broken homes, crime, unemployment, prejudice and difficulties in school. The DA's Office is honored to be a part of that legacy and look forward to continuing their involvement with the Boys & Girls Club.

The Accelerated Reader Program at the Boys and Girls Clubs of Rochester

The Accelerated Reader Program at the Boys & Girls Clubs of Rochester is at the core of the clubs' literacy initiative, challenging participants to read as many books as possible in six months while instilling in them a lifelong love of reading and learning. The Program, which is fully funded by the Monroe County District Attorney's Office through Operation IMPACT grant funds, provides students with books suitable to their reading levels, immediate feedback on comprehension via computerized tests, and recognition for individual reading progress.



In 2012, The Boys & Girls Clubs of Rochester celebrated its ninth year of its Accelerated Reader Program with 187 members reading 11,561 books between October 2011 and May 2012 with a comprehension rate average of 86.2%, a 10% increase from when the program started.

The following statistics applaud the 2012 accomplishments of our “Reader Leaders”...

- 179 members who were reading independently and met their goals for one or more quarters advanced an average of 1.5 in reading skill levels or 1 year and 5 months in reading growth.
- 35 members who read 100 or more books increased in reading growth an average of 2.1 years and received a prestigious certificate of achievement from District Attorney Sandra Doorley.
- Four members reached their personal goal to read over 200 books and one member read over 300 books.
- Each of the “Top Twelve” readers were presented with the Excellence in Reading Award and a grand prize of a \$100 gift card donated by V.J. Stanley Community Foundation. The “Top Twelve” members advanced an average of 2 years and 2 months in reading skill.
- The top four “Chapter-Book-Challenge” winners each earned a \$50 gift card to WalMart.

The “Readers of the Year” award were presented to:

- Malikka Butler, a fifth grade member, who read 275 books, and advanced 2 years and 6 months in reading skill levels.
- Jason Smith, a sixth grade member, who read 335 books, and advanced 2 years and 8 months in reading skill levels.



District Attorney Sandra Doorley with Jason Smith

The following statistics indicate the progress of the Accelerated Reader program at the Boys & Girls Club since it's inception in 2003.

<i>Years</i>	<i>Active Members</i>	<i>Number of Books Read</i>	<i>Comprehension Percent Correct</i>
2003-2004	102	2,089	77.9%
2004-2005	135	4,426	80.2%
2005-2006	187	5,234	86.6%
2006-2007	196	5,777	87.6%
2007-2008	153	5,652	89.2%
2008-2009	175	8,483	88.4%
2009-2010	170	9,063	90.1%
2010-2011	218	9,358	87.3%
2011-2012	187	11,561	86.2%

Project STEP-UP

GREAT FUTURES START HERE.

The District Attorney's Office fund and provide personnel for The Boys & Girls Club of Rochester's Project STEP-UP Program, a summer program to help at-risk youth resist peer pressure to get involved with guns, drugs and gang activities. The program focuses on recruiting youth from street corners, involving them in a recreational basketball league and other programs in an effort to teach gang resistance, constructive conflict resolution, and development of the skills required to become a positive peer role model.



In 2012, the program provided outreach four nights a week from 6-11pm to nearly 150 youth ranging in ages from 14 to 21 years. Funding for the Project STEP UP Program, which comes entirely from District Attorney forfeiture funds, totaled \$18,500 for 2012. By comparison, the cost of incarcerating a single individual for one year in New York State exceeds \$60,000.

Rochester Teen Court

Administered by the Center for Youth Services, Rochester Teen Court is a peer to peer youth sentencing diversion program that serves as an alternative to the traditional judicial system for first-time offending teens, ages 16-19 years, who commit non-violent misdemeanor crimes. Defendants whose cases are transferred to Teen Court have a disposition of their criminal charges by teen peers acting as prosecutors, defense council, court personnel and jurors. An actual City of Rochester or County Court judge presides over the proceedings, and the teen jurors recommend sentencing. Local attorneys in both private and public practice volunteer their time to help train youth to become members, offer on site assistance with their cases and provide educational feedback to program participants.



During the proceedings, teen attorneys are assigned cases, meet with their clients (the teen defendants) interview witnesses, and address the teen jury. Teen Court, however, is a sentencing rather than a trial court, so a defendant's guilt or innocence is not argued. Instead, teens who agree to participate in the program understand that they are in court to face the consequences for their criminal behavior.

Rochester Teen Court is a prevention and intervention initiative that can be useful in diverting more serious criminal behavior while it addresses and intervenes in the lives of those youth already presenting significant concerns. Through the program, participants not only increase their awareness of the causes of violence in the community and what they can do to prevent it, but also have the opportunity to develop relationships with positive professional role models. Imposed sentences, which are recommended by the jury, range from Letters of Apology and essays to Community Service, Drug Screening, or other reasonable conditions as appropriate.

The Monroe County District Attorney's Office is a proud sponsor of Rochester Teen Court, which enjoys support from many other law enforcement organizations.

Pencil Partners Program

Beginning in 2011, The Monroe County District Attorney's Office has been involved with the Rochester City School District's PENCIL Partnership Program, which pairs businesses and government organizations in the community with local schools in order to supplement school resources and enhance educational opportunities for students. Partnered with Nathaniel Rochester School #3, several Assistant District Attorney's along with District Attorney Doorley visit the school on a weekly basis to conduct a variety of activities



including book clubs, annual projects, and career days. The program also offers students the ability to interact with Assistant District Attorney's, Rochester City Court Judges, and other members of law enforcement with the goal of teaching children drug and crime prevention education, job skills and training, and the ability to see positive career opportunities and interactions with the criminal justice system. In addition to

the help that the District Attorney's Office is able to provide students, the program gives ADA's the opportunity to build community bonds and enhance the trust and cooperation of the public in furthering law enforcement's goals.



Though not directly associated with the Pencil Partners initiative, members of the DA's Office staff sponsor the Christmas wish-lists of kindergarteners at Rochester City School #5 for the annual appearance by Santa Claus, who is employed as a Major Felony prosecutor when not delivering toys to children.

The PENCIL Partners program is a growing part of the District Attorney's Office community outreach initiatives and the office's involvement in the program has been renewed for 2013.



Project T.I.P.S.

Each year, hundreds of crimes in the City of Rochester, including violent crimes, go unsolved because members of law enforcement are unable to locate those with crucial information needed to make an arrest. Sometimes this occurs simply because there were no witnesses to a crime. Often, however, residents who possess vital information do not come forward because they do not trust members of government and law enforcement, believing that they cannot help, or worse—that the police, rather than the criminals who terrorize their streets, are the enemy. Though not unique to Rochester, the lack of trust between government service providers (police, DAs, Firefighters, etc.) and the residents of inner-city neighborhoods has grave consequences, cutting citizens off from services and making it difficult for law enforcement officials to adequately serve the neighborhoods, and the residents living in them, that they are sworn to protect. In short, law enforcement cannot be effective without support from the community.



Project T.I.P.S., which stands for Trust, Information, Programs & Services, seeks to break down the walls of complacency and fear by bringing law enforcement into targeted communities and engaging with residents face to face in a fun, relaxed environment. Celebrating its 6th year serving the residents of Rochester, Project TIPS events occur in public spaces such as parks or community centers around the city, featuring free food and drinks, horseback riding, games, giveaways, and

conversation all designed to build trust among the residents and law enforcement personnel in an effort to encourage information sharing and reduce crime. Founded by Gary Mervis of Camp Good Days and Special Times, TIPS has evolved into a community wide initiative with support and participation from dozens of service, government, neighborhood, and law enforcement organizations across



Monroe County. The Monroe County District Attorney's Office is a dedicated participant and supporter of Project TIPS, handing out toys and brochures, answering questions, and going door to door at events in an effort to meet residents and learn about their neighborhoods.

Locations for TIPS events are chosen by Rochester Police Chief James Sheppard in cooperation with the District Attorney's Office and other agencies serving the community. Originally intended to move to different neighborhoods, Project TIPS committee members determined that it would be more effective to return to certain targeted neighborhoods, thereby establishing stronger bonds with particular communities.

The 2013 Project TIPS events include:

- Thursday, May 16th at Pulaski Park
- Thursday, June 20th at Webster Avenue Recreation Center
- Thursday, July 18th at Jefferson Avenue at Flint Street
- Thursday, August 15th at Dewey Avenue & Driving Park Community

FACT

In 2012, the District Attorney's Office gave away over 500 stuffed animals at TIPS events in Rochester, which were donated by office staff.

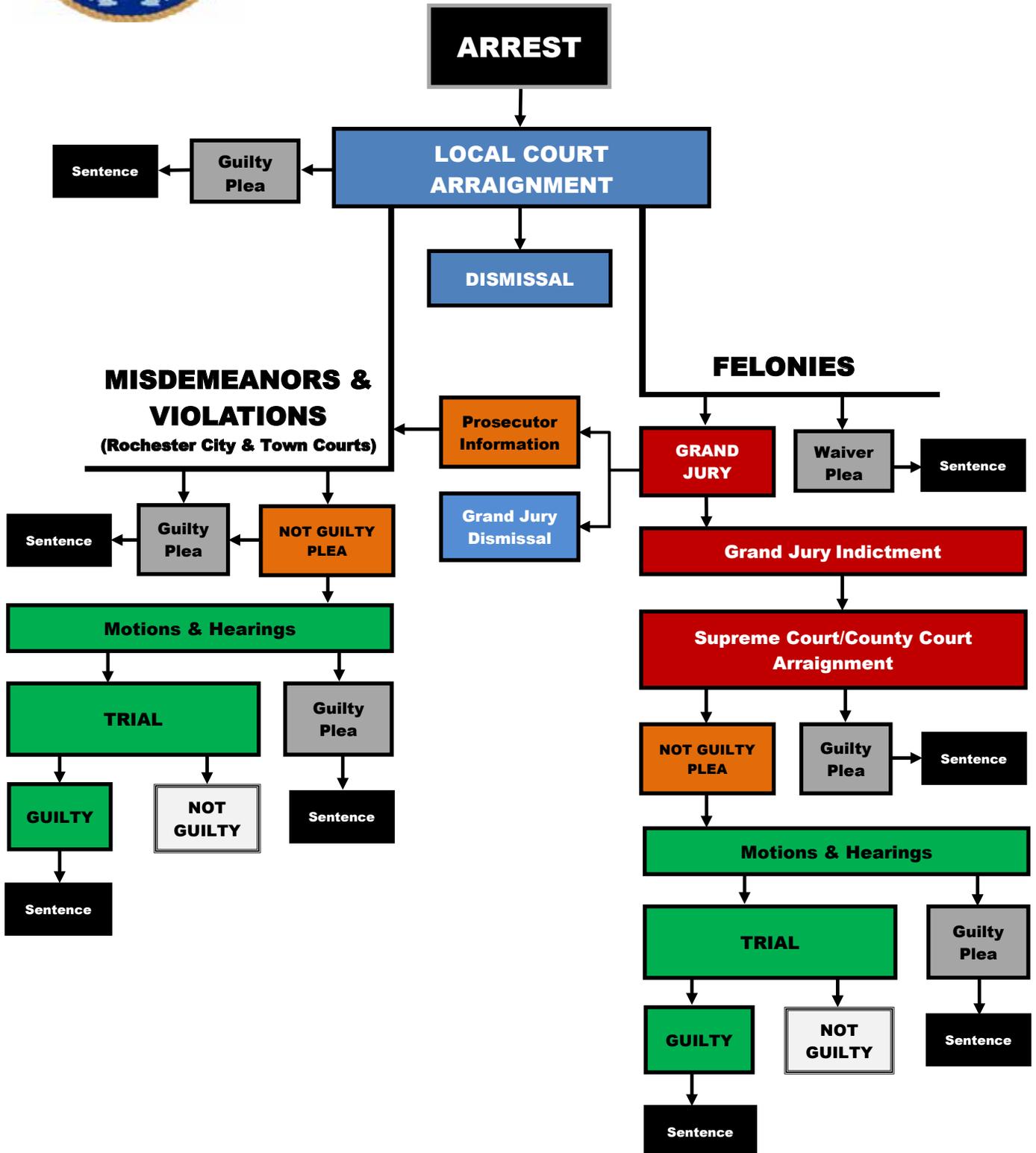


Members of the Monroe County District Attorney's Office with Project TIPS Founder Gary Mervis



The New York State Criminal Court System

The Lifecycle of a Criminal Case

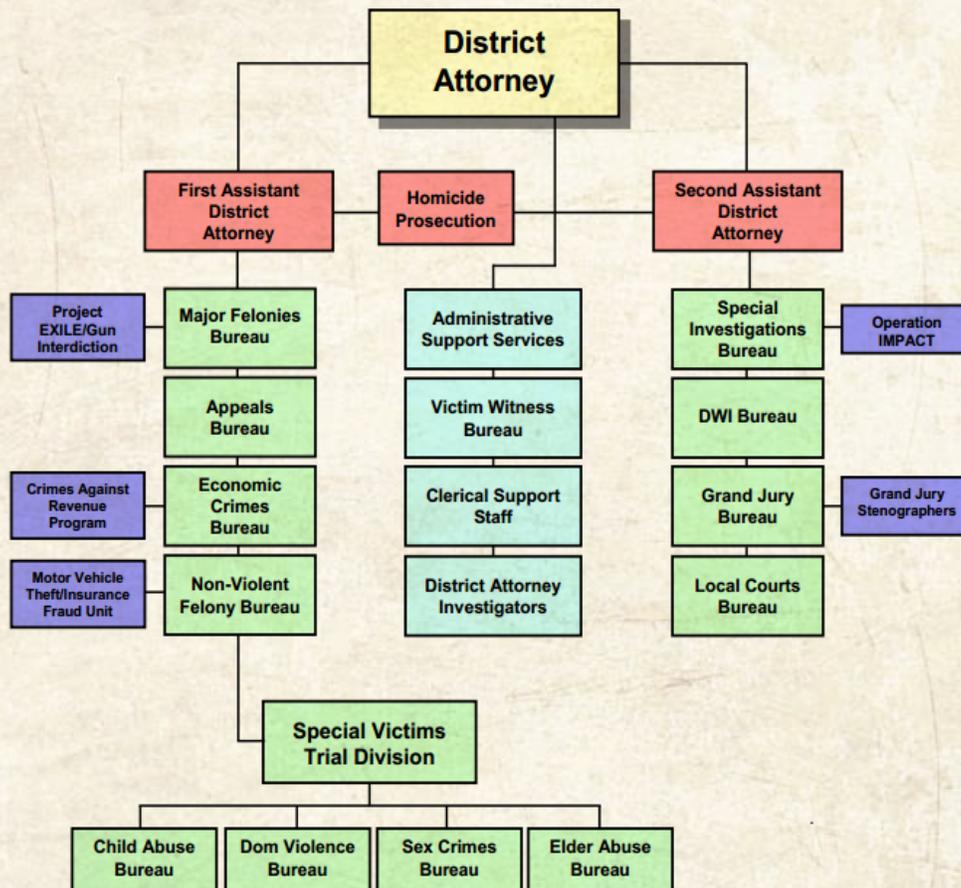


The Monroe County District Attorney's Office

12 Bureaus. One Mission.

The Monroe County District Attorney's Office is divided into twelve prosecuting and two support/service bureaus. This arrangement ensures that certain types of crimes are prosecuted by attorneys within the DA's Office that share specialized knowledge of both the law and of the unique prosecutorial techniques often required to ensure convictions. In January of 2012, newly elected District Attorney Sandra Doorley conducted a complete reorganization of the bureau structure in order to improve communication, increase prosecutor specialization, reduce redundancy, and better serve victims and their families (see page 6). This reorganization, which was revenue neutral and utilized existing personnel, created three new bureaus and has already begun producing positive results for the people of Monroe County. Each of the twelve bureaus, though unique, work tirelessly to carry out the mission of the Monroe County District Attorney's Office; to dispense justice to the community by vigorously prosecuting those who commit crimes, to ensure the rights of victims, and to improve the quality of life for those who call of Monroe County home.

The following pages offer a brief profile of each of these important bureaus, a biography of the Bureau Chief, and a small, representative sample of some of cases prosecuted by each bureau in 2012.



The Monroe County District Attorney's Office Homicide Division

The Homicide Division of the Monroe County District Attorney's Office is a collective of the Office's most experienced trial attorneys who are assigned to prosecute homicide cases on behalf of the people of Monroe County. Overseen by the First and Second Assistant District Attorneys in close cooperation with District Attorney Doorley, the Homicide Division is made up of members of other bureaus within the office, most often Bureau Chiefs or senior members of the Major Felony Bureau. Regarded as among the most complex and consequential of all prosecutions, homicides require not only significant experience and expertise, but also additional support in order to ensure ample preparation and research prior to trial. As a result, homicide cases are sometimes assigned to two prosecutors—a "lead prosecutor" who is the main attorney assigned to the case, and a second prosecutor, often referred to as a "second chair." Generally, prosecutors who try these cases have "second-chaired" other homicide cases in the past before assuming the role of lead prosecutor. First and Second Assistant District Attorneys Kelly Wolford and Timothy Prosperi, along with Bureau Chiefs Perry Duckles and Matthew Schwartz, are on call 24 hours a day and respond to every homicide in Monroe County, inspecting the crime scene and working closely with police agencies, providing legal advice when necessary.

In 2012, the Monroe County District Attorney's Office Homicide Division processed 38 new cases, maintaining an 86% conviction rate after 12 trials. The following is a representative sample of some of those cases.



People vs. Joseph Myles

At midnight on November 13, 2011, twenty three year old Cameron Conyer, a young man who suffered from Cerebral Palsy, answered the door of the home located at 1771 Clifford Avenue that he shared with his mother, 49 year old Mary Conyer. At the door was Joseph Myles, 37, a friend of the family. At some point, after convincing Cameron Conyer to open the door, Myles pulled out a box cutter and began stabbing the young man, finally cutting his throat. Mary Conyer, hearing the assault from another part of the house, came rushing to the defense of her son and was similarly assaulted. Myles then fled the scene with Conyer's credit cards. Mary Conyer, weak but still conscious, called 911. She would survive the attack. Her son, Cameron Conyer, would die from his wounds. The blood trail, which ran into the yard, indicated that Cameron Conyer likely struggled with Myles prior to losing consciousness.



Mary Conyer's front porch following the attack



A scene from the floor of the Gibbs Place Apartment offices

Ten hours later, 46 year old Schulunda Imes was working in her office at the Gibbs Place apartment building on Chestnut Street in the City of Rochester when a man rang the bell of the secure facility requesting to be let in. Imes, recognizing Joseph Myles as an individual who had filled out an application for an apartment the day before, buzzed him into the office. Upon entering, Myles immediately pulled a knife and slashed Imes' throat before ransacking the office and fleeing after locating a quantity of cash. Imes, like Mary Conyer hours before her, summoned police, which set off a massive, multi-agency manhunt throughout Rochester for Joseph Myles. Imes suffered life-threatening injuries during the attack but was taken to Strong Memorial Hospital, where she was stabilized.

Two days later, police located Myles less than a mile from the original crime scene at a home on Manitou Street, and he was taken into custody without incident.

On June 7, 2012, Joseph Myles pled guilty to the top crime for each of the three victims, including guilty pleas to Murder in the 2nd Degree, Attempted Murder in the 2nd Degree, and Attempted Murder in the 1st Degree. He was sentenced to 40 years to Life in prison.

Second Assistant District Attorney Timothy Prospero prosecuted the case for the People.

People vs. Eugene Brown

On October 9, 2010, Anthony Bellavia invited Eugene Brown to his East Broad Street apartment. Bellavia had expected only Brown that afternoon, but at some point early in the visit, Brown invited a young woman to the apartment as well. Though initially tolerant of the unanticipated guest, Bellavia soon became agitated, resulting in an argument between the two men and Bellavia's subsequent demand that Brown and his female companion leave. Brown's companion rose and waited for him in the hallway as the dispute between the two men escalated in the apartment. A short time later, Eugene Brown emerged from the apartment with Anthony Bellavia's wallet and flat screen television—which was covered in blood—in his possession. Before leaving the building, Brown removed the cash from Bellavia's wallet and disposed of it in the stairwell.

After the incident at the apartment, Brown traveled to his girlfriend's house, cleaned the blood from the television, and disposed of the sweatshirt that he had been wearing before making a phone call and selling the television to an associate. Shortly afterward, Brown instructed his girlfriend not to disclose anything about what she had seen. He then purchased a bus ticket and left Rochester.

Three days later, Anthony Bellavia's neighbor happened upon his wallet in the stairwell of the apartment building and reported it to a building maintenance worker. When attempts to contact Bellavia failed, the worker entered the apartment and made a gruesome discovery; Bellavia's badly beaten, decomposing body was lying on the floor. An autopsy would reveal that he died from strangulation so severe that it had broken his hyoid bone.



Elevator surveillance footage of Brown leaving the scene with the victim's television.

After the defendant left town, his girlfriend flagged an officer down on the street and told him that she believed that her boyfriend had killed a man. Homicide investigators from the Rochester Police Department also tracked down the female witness who identified the defendant out of a photo array and told them what she had seen days earlier. Over seven months after the murder, on May 24, 2011, Brown was located at the home of a relative in Rochester where he was placed under arrest and charged with 2nd Degree Murder.

Eugene Brown's trial for the murder of Anthony Bellavia, which was prosecuted for the People by veteran ADA Caroline Morrison, began on March 19, 2012. Though he initially denied killing the victim when interviewed by police, on the stand he admitted to the crime but claimed that he was justified in killing Bellavia, who suffered from advanced HIV, because Bellavia had bit him in a deliberate attempt to infect the defendant with the virus. In an effort to explain why he stole the victim's property, Brown claimed that the victim owed him money for drugs and the television was payment for those drugs. Brown's associate who had purchased the stolen television testified at the trial to the fact that the TV had blood on it when he received it from Brown. The television was recovered from a local pawn shop and was positively identified as the victim's when a piece from the corner of the television, broken off during Brown's escape, was discovered at the crime scene and found to be an exact match to a broken section on the recovered television. In addition, Brown's blood, which he deposited on the bottom of the television as he left the apartment, was discovered intact on the appliance and provided investigators a positive DNA match for Brown.



The piece broken from the victim's television, found in the stairwell

On March 30, 2012, a jury found Eugene Brown guilty of Murder in the 2nd Degree. He was sentenced to 25 Years to Life in prison.

People vs. Jeffrey Miller

On the night of August 10, 2005, thirty year old Shunda Cuyler came out of her home located at 104 Woodbine Avenue to greet Freddie Collins, the father of her 7 year old son with whom she remained good friends. For weeks, Cuyler had been being harassed by her ex-boyfriend, 29 year old Jeffery Miller, who had been stalking and threatening her to the point that she felt compelled to pursue an order of protection against him. As Cuyler sat in Collins' car having a conversation, Miller stepped out of the shadows with a handgun, yelled at the victims, and fired several shots into the car. He then ran to a waiting vehicle and sped away.

Police, summoned by neighbors who reported hearing gunfire, arrived to find Shunda Cuyler deceased in the passenger seat of the car. Though wounded in the attack, Collins was able to



Collins' car in Shunda Cuyler's driveway, behind police tape following her slaying

identify Miller as the shooter before being taken to the hospital for treatment of his injuries. Forty eight hours later, Miller was in custody. Prior to being apprehended, he told friends that he had "done something terrible that he couldn't take back."

Miller, who was indicted on charges of Murder in the 2nd Degree for the death of Shunda Cuyler and 2nd Degree Assault for the wounding of Freddie Collins, faced trial in September of 2006, and upon being found Guilty, was sentenced to 25 years to Life in prison. His story, however, would not end there. The New York State Court of Appeals,

citing confusing language on the verdict sheet following trial, vacated Miller's 2006 conviction and ordered a new trial, though Miller was to remain in custody.

Miller's second trial, which was prosecuted by Perry Duckles, Chief of the Major Felony Bureau, began on October 17, 2012. During proceedings the defense made the claim that Freddie Collins was the one who murdered Shunda Cuyler while attempting to shoot the defendant, but also argued, paradoxically, that if the defendant had killed Cuyler, he was less culpable because of his mental state at the time of the shooting. In addition to Collin's eye-witness testimony, however, Duckles provided a host of evidence to demonstrate that Miller was, in fact, the shooter. After one day of deliberation, the jury once again returned a verdict of Guilty for 2nd Degree Murder, 2nd Degree Assault, and Criminal Possession of a Weapon. At his second sentencing, Miller was again sentenced to 25 Years to Life in prison, but this time, the sentence was made to run consecutively with the sentence for the separate weapons charges—charges which had not been a factor before his appeal. As a result, he will now serve a minimum of 32 years before he is eligible for parole.



Roses found at the scene, sent to the victim by Miller the day the he took her life

People vs. Matthew Townsend

On January 7, 2011, the body of 27 year old Toccara Harmon was discovered face down in a garbage tote behind a Lyell Avenue restaurant in Rochester. She had been strangled. It had snowed the evening before, and tracks led police down a nearby alley to the back door of a vacant house on Spencer Street. After contacting the property owner, police made entry and immediately noticed what appeared to be drag marks through the debris on the floor leading from the stairway of the two story home. In an upstairs bedroom, investigators discovered a quantity of prepared food, a purse containing a prescription bottle bearing the victim's name, and a significant amount of blood.



The back door of the vacant home where Toccara Harmon was murdered



The garbage tote containing the victim's body

Police knew that the food—a chicken dinner in a Styrofoam container—had come from S&S Market, a convenience store located a short distance from where the body was discovered. The proprietors of the store confirmed that Harmon had purchased the food the evening before in the company of a man, which debit records identified as Matthew Townsend. When confronted with the evidence, Townsend admitted to being with the victim that evening in the house, but was unable to explain the victim's fate, claiming to have been robbed and rendered unconscious by several armed men.

Extensive forensic testing, conducted at the direction of prosecutor Julie Hahn, resulted in an abundance of evidence against Townsend: Townsend's DNA was discovered on the victim's neck and on the handles of the garbage tote in which her body was discovered, casts were made of the footprints in the snow between the restaurant and the house, one of which matched Townsend's boots, and paint chips from the scene were found on the victim.

Matthew Townsend pled not guilty to Murder in the 2nd Degree, and was subsequently convicted at trial. He was sentenced to 25 years to life in prison.



A cast being made of one of Mathew Townsend's boot prints. The garbage tote is visible on the left.

People vs. Donyell McKenzie

On December 22, 2006, twenty seven year old Donyell J. Mckenzie became involved in a violent argument with his girlfriend, 23 year old Tyffany Porter, who had admitted to carrying on a relationship with another man. Mckenzie, in a fit of rage, grabbed a knife and began stabbing Porter in full view of her young daughter. By the time the assault ended, Porter had been stabbed 47 times. McKenzie threw the knife in the kitchen trash can before fleeing the scene. He was apprehended hours later. A subsequent jury trial resulted in a conviction on charges of Murder in the 2nd Degree, and on August 22, 2007, McKenzie was sentenced to 25 Years to Life for the brutal stabbing death of his former girlfriend.



The Knife as it was discovered by police at the crime scene.

Donyell McKenzie's story did not end there, however. In 2012, The New York State Court of Appeals overturned the conviction and ordered a new trial when they determined that the jury in the original trial should have been allowed to consider the lesser charge of Manslaughter by Extreme Emotional Disturbance, a charge in some ways analogous to temporary insanity which mandates reduced sentences. On November 10, 2012, Kyle Rossi of the Monroe County District Attorney's Office prosecuted McKenzie a second time for the slaying of Tiffany Porter, though this time the jury was allowed to consider the lesser charge. After a five day trial, McKenzie was again found guilty of Murder in the 2nd Degree.

On December 5, 2012 Donyell McKenzie was—once again—sentenced to 25 Years to Life in prison, the maximum sentence allowed by the statute. McKenzie had not been granted bail during the proceedings and had remained incarcerated since his original arrest in 2006.



People vs. Sammie Sutton

On August 30, 2011, Sammie Sutton, 56, and his girlfriend, Melanie Maxwell, 53, became involved in a domestic argument in an apartment that the couple shared located at 199 Saratoga Avenue in Rochester. At some point during the dispute, Sutton obtained a knife and assaulted Maxwell, inflicting 40 stab wounds into her back and torso before fleeing the apartment. Maxwell died from her injuries. Blood evidence at the scene revealed that the assault began outside of the apartment and had continued through the house into the kitchen, where Maxwell's teenage daughter found her mother's body the next day and called police.

Sutton immediately became a suspect in the case, and authorities began a manhunt throughout the City that ended when they located Sutton's car at a relative's home two days later. Police closed in on the house and took Sutton into custody without incident. Days later, Second Assistant District Attorney Timothy Prosperi, who was assigned to prosecute the case for the People, presented evidence to a Grand Jury resulting in Sutton's indictment on charges of Murder in the 2nd Degree.



The front door to Sutton and Maxwell's home.



The murder weapon, where it was found in the street.

On May 16, 2012, Sammie Sutton pled Guilty to Manslaughter in the 1st Degree and was sentenced to 25 years in state prison plus 5 years Post Release Supervision. Melanie Maxwell's family agreed to the plea, which would spare the family the trauma of a trial while committing Sutton to prison, where he will not become eligible for Parole until 2032, when he will be 77 years old.

People vs. Preston Carter

On November 17, 2008, the front desk of the Extended Stay Hotel in Henrietta received a call from a woman who asked that hotel employees check on the welfare of one of their guests, Joel B. Greenberg, who had failed to return home after going out the previous evening. An employee located Mr. Greenberg's room, and after knocking on the door several times, entered to a gruesome scene; blood was evident throughout the room, and there were clear signs of a struggle. The employee immediately called the Monroe County Sheriff's Office, who came and located Mr. Greenberg's badly beaten body wrapped in the bed coverings. He had suffered severe trauma of the upper body, head, and neck.



The victim's car found just blocks from Preston Carter's home

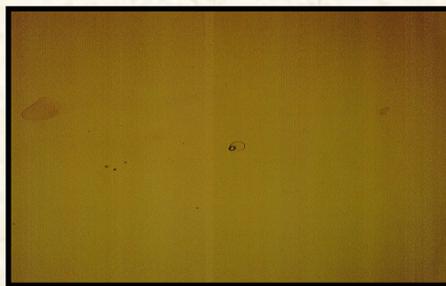
During their investigation, Deputies turned up several compelling clues that allow them to begin developing a suspect, 24 year old Preston Carter. A receipt found in the room from the purchase of food was paid for using Carter's benefits card, phone records showed multiple calls from the victim's cell phone to the home of Preston Carter on Roxbough Road just prior to his arrival at the hotel, and surveillance video from the hotel lobby showed that Greenberg was accompanied by another man the night he checked in, though the individual's face was not visible. Later that night, police located the victim's

abandoned car many miles from the hotel but only one-half mile from Preston Carter's home, and within the car, printed MapQuest directions leading from the victim's home to Roxbough Road.

When originally questioned, Carter stated that he did not know Greenberg, but that the victim had been calling his house repeatedly leaving messages, prompting Carter to finally call and tell Greenberg that he had the wrong number. Phone records from Carter's house, subpoenaed by police when Carter became a person of interest, however, established a history of two-way communication between the men over an extended period, with conversations lasting much longer than Carter indicated. As compelling as the evidence was, however, investigators still lacked the critical piece that would place Carter at the crime scene.

That evidence came in the form of a single hair located in the hotel room's bathroom sink.

During the investigation, Deputies located and took the hair into evidence but at the time lacked both a suspect and a comparative sample needed to determine its source. Investigators would later place Carter under surveillance, however, and were able to obtain the critical comparative sample from a cigarette butt than Carter discarded one evening on the sidewalk. Using saliva from the discarded cigarette, forensic biologists were able to determine a DNA match with the hair found at the crime scene. Days later, Carter was confronted with the results of the investigation during a



The single hair found in the sink that sealed Preston Carter's fate

second interview, where he was unable to offer an explanation for the wealth of incriminating evidence against him. He was subsequently arrested and charged with Second Degree Murder.

During the 10 day trial, which was prosecuted for the People by Matthew Schwartz, Chief of the Special Investigations Bureau, the defense argued that the evidence was circumstantial in nature and maintained that it was a case of mistaken identity. Schwartz, however, was able to present a formidable body of evidence that ultimately resulted in conviction. On November 28, 2012, Preston Carter was sentenced to 25 Years to Life in Prison.

People vs. Robert Lathrop

On New Year's Eve, 2011, fifty three year old Matthew Sanfilippo drove to a house located at 221 Orchard Street in the City of Rochester to make a purchase from a group individuals who were selling drugs at that location. During the transaction, one of the individuals produced a rifle and attempted to rob Sanfilippo, who, upon refusing to surrender his money, turned to walk back to his car. When authorities arrived minutes later in response to shots fired, Sanfilippo was found lying in the driveway with a single gunshot wound to the back of the head. He was pronounced dead at the scene.

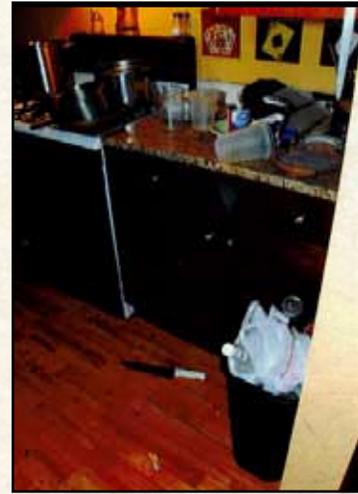


The scene of Matthew Sanfilippo's murder. The victim lay behind the barricade in the driveway, used by police to shield homicide victims from view.

Approximately one week later, witnesses came forward to investigators and identified 16 year old Robert Lathrop, who had been taken into custody on an unrelated burglary charge days earlier, as having been seen running from the house immediately after the shooting holding a rifle. Perry Duckles, Chief of the Major Felony Bureau, presented the case to a Grand Jury who subsequently indicted Lathrop on charges of Murder in the 2nd Degree. Lathrop, who may not have been the shooter, pled Guilty to the indictment and was sentenced to 18 Years to Life in prison. Efforts continue to identify and arrest the other individuals responsible for Matthew Sanfilippo's death.

People vs. Scott Nauheimer

On November 29, 2011, twenty six year old Scott Nauheimer was approached by 44 year old Malcolm Hanna and another individual who was interested in purchasing a quantity of crack cocaine in the upper Monroe Avenue neighborhood of Rochester. As the men walked back to a residence located at 459 Averill Avenue, an argument erupted between Nauheimer and Hanna regarding where the drugs should be purchased, and from whom. The argument continued as the men entered the house and walked into the home's kitchen, when Nauheimer suddenly grabbed a large butcher knife from the nearby counter and plunged it into Hanna's chest. Hanna stumbled from the home and died on the steps leading to the street from his injuries. Nauheimer's roommate, who was not involved in the incident, immediately called authorities and Nauheimer was taken into custody by police at the scene minutes later.



The Knife Scott Nauheimer used to kill Malcolm Hanna

Perry Duckles, Chief of the Major Felony Bureau, prosecuted the case for the People at Scott Nauheimer's trial, which commenced on October 1, 2012. After five days of testimony, Nauheimer was found guilty of Manslaughter in the First Degree and was sentenced to 25 Years in prison plus 5 years Post Release Supervision.

People vs. Raymond Steed

In the early morning hours of February 26, 2012, thirty year old Raymond Steed was found sleeping in his roommate's car in Northampton Park in the town of Ogden, 15 miles outside the City of Rochester. When questioned by police, Steed, knowing that there was a bench warrant for his arrest on a drug charge, gave a false name to police officers, who then drove him back to his mother's home. Once there, Steed admitted to his mother that he "may have hurt my roommate" while gesturing in a choking fashion with his hands. Steed's family contacted authorities, and a subsequent check of the South Plymouth Avenue apartment that Steed shared with his roommate, 60 year old Michael Loudermilk, was conducted. Loudermilk was found deceased on the floor of the apartment, clearly having been dead for some time.



Steed's blood stained clothing that he was wearing the day of the murder, found in the trunk of Michael Loudermilk's car



Surveillance footage of Steed leaving the apartment complex after taking Loudermilk's life

Steed's statements to his mother and the Medical Examiners finding of strangulation as the cause of death lead police to conclude that Steed was directly involved in Loudermilk's death, though no motive was established. Steed, who was taken into custody on the prior bench warrant the day that his family reported his statements to police, was subsequently arraigned on charges of 2nd Degree Murder and pled Not Guilty to the crime, claiming to not have been at the men's apartment on the days when the murder occurred. Months later, Steed sat before a jury in a Monroe County courtroom, where he was prosecuted by Assistant District Attorney Elizabeth Buckley.

On December 17, 2012, Raymond Steed was found guilty of Murder in the 2nd Degree for the strangulation death of Michael Loudermilk. He was sentenced to 25 years to life in prison.

People vs. Sharad Jiles

On the night of October 1, 2011, twenty nine year old Sheldon Hepburn of Greece, NY was walking to the home of some friends located at 24 Peckham Street in the City of Rochester to visit. Upon arriving at the house, Hepburn ascended the steps and knocked on the door. Seconds later, a voice from within the house told him to come in. When the unsuspecting Hepburn entered, he was met with the sight of his four friends—bound and blindfolded with duct tape—lying face down on the floor before three men armed with handguns. Hepburn had inadvertently walked into a home invasion robbery. An immediate struggle ensued, with Hepburn being thrown into a wall. At some point during the brief altercation, two close-contact rounds were fired into Hepburn's torso. Realizing that he had been shot, Hepburn turned to run for help and was shot two more times in the back as he fled. Still on his feet, he ran to a nearby convenience store for help, where he finally collapsed from his wounds. He would never regain consciousness and was pronounced dead a short time later. After Hepburn's departure, the three men fled with the occupant's money, jewelry, and electronics. The four immediately freed themselves and contacted police.



The room into which Sheldon Hepburn entered. Damage to the wall, caused by the victim's body during the struggle, can be seen on the left.



The convenience store where Hepburn collapsed

When interviewed, two of the victims of the robbery identified 29 year old Sharad Jiles as one of the gunmen. Police began an intensive search for Jiles, with RDP's Tactical Unit apprehending him four days later as he attempted to retrieve property in the middle of the night from his apartment. He was taken into custody and charged with Murder in the 2nd Degree and Robbery in the 1st Degree, in addition to various other charges.

Jiles subsequently pled Not Guilty to the charges, and his trial commenced on October 22, 2012. During the 6 day proceeding, which was prosecuted by Assistant District Attorney Robin Catalano, the defense repeatedly claimed that the robbery victims themselves were responsible for Hepburn's death, and that the defendant had been the target of an elaborate setup designed to make it appear as though he were guilty. Strong evidence to the contrary, however, placed Jiles at the scene, including his subpoenaed cell phone records which revealed that he had called one of the victims several times that day, presumably to learn when he would be at home to be robbed.

On November 2, 2012, a Monroe County Jury found Sharad Jiles Guilty of the 2nd Degree Murder of Sheldon Hepburn as well as Robbery in the 1st Degree and Criminal Possession of a Weapon. One month later, Jiles was sentenced to 25 Years to Life in prison. Jiles' two accomplices in the crime were never identified.

The Monroe County District Attorney's Office Major Felony Bureau

The Major Felony Bureau prosecutes career criminals and violent felony offenders for crimes including robbery, burglary, and assault. Homicide prosecutions are also frequently assigned to attorneys within this bureau. In 2012, the Major Felony Bureau prosecuted 862 cases on behalf of the people of Monroe County, maintaining an 89% conviction rate. Attorneys assigned to the Major Felony Bureau prosecute some of Monroe County's most dangerous criminals and are among the most seasoned prosecutors employed by the District Attorney's Office. Perry Duckles, the Chief of the Major Felony Bureau, oversees nine specialized prosecutors and reports directly to the First Assistant District Attorney Kelly Wolford. Veteran prosecutor Patrick Farrell serves as Deputy Chief of the bureau.

Bureau Chief Perry Duckles

Perry Duckles, Chief of the Major Felony Bureau, has been a member of the Monroe County District Attorney's Office since 2003. During that time, Mr. Duckles served in both the Local Courts Bureau and the DWI Bureau, becoming Chief of the DWI Bureau in 2009 where he compiled an impressive list of successful prosecutions. In January of 2012, Mr. Duckles was appointed Chief of the Major Felony Bureau by newly elected District Attorney Sandra Doorley, where he oversees the prosecution of some of the County's most violent crimes.



A native of Monroe County, Mr. Duckles has served as the liaison to the Rochester Police Department for all gang prosecutions and has lectured at the Police Academy on a variety of issues. He has also lectured at various continuing legal education programs for the Monroe County District Attorney's Office and New York Prosecutors Training Institute, and serves as the Office's primary liaison for several cross-organizational law enforcement initiatives. Perry Duckles performed his undergraduate studies at the University of Buffalo and graduated from the State University at Buffalo School of Law.

People vs. Agape Towns

On the night of September 30, 2011, twenty one year old Agape Towns, a recently discharged U.S. Marine, and an accomplice entered the Buffalo Wild Wings restaurant in Henrietta after hours and forced three employees to the ground before blindfolding them. After acquiring money from the employees and the establishments cash drawers, Towns held a gun to the back of the employees heads and taunted them with threatening statements before disposing of the gun in a dumpster and fleeing the scene.

Months later, Towns' accomplice Jacob Ricigliano, who drove the getaway vehicle during the commission of the robbery, was arrested on unrelated charges and agreed to cooperate against Towns and his fellow accomplice Tashmere Lamar. On October 10, 2012, Agape Towns was convicted at trial of Robbery in the 1st Degree and was sentenced to 17 years in prison. Tashmere Lamar, Towns' brother, pled guilty to the entire indictment and received 6 years in prison for his role in the robbery. The case was prosecuted for the People by ADA Kyle Steinebach.



Towns' shotgun as found in the restaurant dumpster

Though he was wearing a mask, Towns was identified in part by his Marine Corps dress uniform gloves, which he wore during the commission of the robbery.

People vs. Anthony Cannella

On August 30, 2012, Anthony Cannella, a convicted felon with a long criminal history, walked into the Josaphat Ukrainian Catholic Church on East Ridge Road in Irondequoit and approached the church secretary seeking directions. After receiving the directions and exiting the building, Cannella returned minutes later with a weapon and abducted the secretary, forcing her into her own car at knifepoint. The defendant then systematically robbed the secretary by forcing her to drive him to several ATM machines where he used her debit card to withdraw funds. After several stops, Cannella finally instructed the victim to drive him to a corner on Lyell Avenue in the City of Rochester, where he jumped out of the car and fled. Though shaken, the incident concluded without the victim sustaining physical injury.



The Josaphat Ukrainian church. The victim's vehicle is in the foreground

The defendant was identified by security footage at the ATM machines as well as by the victim, and was apprehended without incident two days later at a relative's home. Anthony Cannella pled guilty to one count of Robbery in the 1st Degree and one count of Kidnapping in the 2nd Degree and was sentenced as a predicate felon to 15 years in state prison. The case was prosecuted for the people by Assistant District Attorney Patrick Farrell.

People vs. Bobby Jean Kugler

On the night of February 18, 2012, 31 year old Bobbie Jean Kugler set fire to the house that she and her five children rented at 82 Grape Street when she ignited photographs and then fell asleep, leaving the burning photos on a dresser in her bedroom. The resulting fire, which spread quickly through the home, was reported at approximately 1:15am by firefighters who were battling a fire next door at 80 Grape Street. Despite their proximity to the scene, firefighters were unable to reach four of Kugler's children who were trapped on the second floor. As a result, 14-year-old Gage Reavey, 13-year-old Greg Kugler, 12-year-old Kande Kugler and 6-year-old Kaiden Kugler all perished in the fire. Firefighters were able to rescue Kugler and Tyron Jackson (Kugler's 2-year-old son) while a family friend and two other children not related to Kugler leapt to the ground from a second story window.



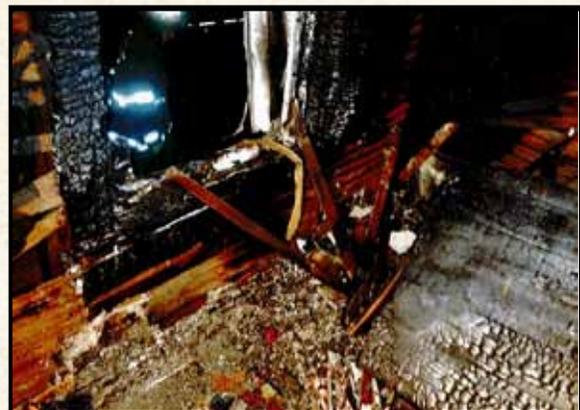
Firefighters attempting to enter a second story window.



Bobbie Jean Kugler being taken into custody the night of the fire that claimed her children's lives.

On December 7, 2012, Bobbie Jean Kugler pled guilty to four counts of Manslaughter in the 2nd Degree for recklessly causing the deaths of her four children, in addition to three counts of Assault in the 2nd Degree and one count of Arson in the 4th Degree. Assistant District Attorney Kyle Steinebach of the Major Felony Bureau prosecuted the case for the People. Prior to being sentenced to a minimum of 7 years to a maximum of 15 years in state prison, Bobby Kugler admitted to causing the fire that killed her children, acknowledging each by name on the record.

The death of Kugler's four children represents the largest incident of child homicide in Monroe County history.



The point source of the fire. The top of Kugler's dresser can be seen on the right.

People vs. Faheem Abdul-Jaleel

On June 20, 2011, 15 year old Faheem Abdul-Jaleel, an immigrant from Afghanistan who had come to the United States to live with his aunt, stabbed his 13 year old cousin Samina Kasim nine times in the garage of the family's Henrietta home. Abdul-Jaleel then attempted to hide his critically wounded cousin behind a rollaway dumpster, though she was found by his aunt (the victim's mother) a short time later, who instructed him to immediately call 911. The defendant was apprehended a short time later several miles away on the University of Rochester campus.



The knife used to assault the young victim

The subsequent investigation revealed that the two cousins had a long history of fighting with each other, and that Abdul-Jaleel was enraged that morning when his aunt took the victim's side in one of their frequent arguments. Faheem Abdul-Jaleel's trial, prosecuted by Assistant District Attorney Patrick Farrell, began February 14, 2012, resulting in the defendant's conviction on charges of second-degree attempted murder and first degree assault following four days of deliberations. The defendant, who did not receive Youthful Offender status, was sentenced to 16 years in state prison.

People vs. Joseph FaFone

On May 15, 2011, 21 year old Samuel Maldonado and two friends met 20 year old Joseph Fafone to purchase drugs near the corner of Haags Alley and Alexander Street. During the commission of the sale, the two men began to argue and became involved in a physical altercation inside the defendant's car. Maldonado, who had taken the drugs from Fafone without paying for them, was fleeing the scene when the defendant drew a .45 caliber pistol and fired six shots, hitting the victim four times in the legs and upper body. Maldonado later died at Strong Memorial Hospital of acute blood loss. Fafone was identified as the shooter by the victim's associates as well as the victim himself prior to his death and was taken into custody at his home on Atlantic Avenue early the next morning.



The alley where Samuel Maldonado was shot by Joseph FaFone

Fafone, who waived his right to a jury trial and proceeded to bench trial before Monroe County Court Judge John DeMarco, was convicted of First Degree Manslaughter on March 23, 2012 and sentenced to 10 years in state prison plus 5 years post release supervision for his role in Maldonado's death. The case was prosecuted for the People by Assistant District Attorney David Dys.

People vs. Jacob Buchanan, Jeffery Buchanan & Sarah Cushman

On December 7, 2011, The Tanning Bed tanning salon on Titus Avenue in Irondequoit was robbed by three individuals who escaped with several hundred dollars in cash. Over the next three weeks, the same scenario would play out again and again across the county, resulting in seven total robberies, all producing no leads or suspects. Finally, on the night of December 23rd, the robbers brazenly struck the same tanning facility, Maximum Tan in Brighton, for a second time in as many days. The new security guard, who had been hired only that day due to the previous day's robbery, pursued the robbers to their vehicle and captured their license plate number. Hours later, Jacob Buchanan, Jeffery Buchanan, and Sarah Cushman were in custody.



Security stills of a masked Sara Cushman during the course of one of the many robberies.

The subsequent investigation revealed that the defendants, all heroin addicts, targeted tanning salons because Cushman had been employed at one for a period of time and was familiar with industry practices regarding the handling and location of cash. The money that the three defendants made off with during the robberies was quickly spent on drugs and food, resulting in the immediate need for additional robberies. The three defendants, who were all prosecuted by Deputy Bureau Chief Patrick Farrell, were charged with multiple counts of Robbery in the 1st Degree and Grand Larceny in the 4th Degree, in addition to Burglary charges. Jeffery Buchanan, who had only participated in the first two crimes, was sentenced to 7 years in state prison. Sarah Cushman and Jacob Buchanan, who were in a relationship, were sentenced to 11 years and 15 years respectively for their roles in the robberies, in addition to other unrelated charges.

The investigation of the tanning salon robberies revealed two of the defendants' involvement in other crimes throughout the county as well, including home invasions, which were considered during their sentencing (see People V John Meyer).



Security footage of Keith Carmel purchasing gift cards

People vs. Keith Carmel

In the early morning hours of August 16, 2010, Keith Carmel of Rochester entered the front door of an occupied home in Brighton and stole several items including a bicycle, a backpack, and a purse containing credit cards from the home and attached garage. When the homeowners came down from their second story bedroom in the morning, the results of the burglary were immediately apparent, and they contacted authorities.

While no physical evidence at the scene produced a suspect, the investigation into the use of the credit cards revealed that several gift cards were purchased at a local Wegmans grocery store in the hours after the crime. Wegmans cooperated with the investigation, providing video surveillance footage that showed Carmel arriving on the stolen bicycle while wearing the backpack outside of the store, in addition to footage of him in the checkout line using the stolen credit cards to make purchases. Carmel, who was on parole at the time of the crime, was identified by his parole officer as the individual in the video and was charged with 2nd Degree Burglary, Criminal Possession of Stolen Property, and Grand Larceny.

Carmel, who was prosecuted by Assistant District Attorney Kevin Fitzgerald, was convicted at trial. On July 11, 2012, he was sentenced to 16 Years to Life in state prison as a Mandatory Persistent Violent Felon.

People vs. Robert Pulley, Timothy Samuels & Jonathan Cole

On May 3, 2011, Sean Tate, 33, traveled to a residence located at 163 Thurston Road in the City of Rochester with an associate in order to purchase a quantity of marijuana. When Tate arrived at the residence, however, he was beaten and dragged into the basement of the home by Robert Pulley, Timothy Samuels, and Jonathan Cole, who had arranged to kill Tate following his arrival due to their belief that Tate was responsible for the arrest and conviction of one of Pulley's relatives. The victim was bound with duct tape and severely beaten by the three defendants, who were attempting to extort money from him before killing him. Fortunately for Tate, the upstairs neighbor heard him pleading for his life through a laundry chute that lead to the basement, and immediately called 911.



The area in the basement where the defendants intended to take Sean Tate's life. The window through which he escaped is visible on the upper left.

Within minutes, police had surrounded the house. Robert Pulley, who had come up from the basement in order to retrieve an item from the second floor of the home, spotted the police establishing a perimeter around the building and attempted to flee, but was chased down and taken into custody by officers. The two remaining defendants barricaded themselves in the house, resulting in the deployment of SWAT. In the meantime, Tate, who had sustained numerous serious injuries, took advantage of his captors' distraction and broke out a basement window, making his escape. Hours later, realizing that their situation was hopeless, Samuels and Cole surrendered to authorities and were taken into custody without further incident.

Beginning April 16th, 2012, all three defendants faced trial together and were convicted of 1st Degree Robbery, 2nd Degree Robbery, 2nd Degree Kidnapping, 2nd Degree Assault, and 2nd Degree Criminal Possession of a Weapon. The case was prosecuted for the People by Patrick Farrell, Deputy Chief of the Major Felony Bureau. For their roles in the crime, Jonathon Cole and Timothy Samuels received 25 years and 15 years respectively in state prison. Robert Pulley plead guilty to the charges and was sentenced to 14 years in state prison to run consecutively with a 25 year to life sentence he had just received for an unrelated murder.

People vs. Sean Tyrrell, Lamar Sharp & Kareem Fuller

March 16, 2012, Sean Tyrrell, Lamar Sharp, and Kareem Fuller, drove to Rochester from New York City to collect on a \$50,000 debt from Neville Ferguson, an individual with whom they'd entered into a marijuana distribution arrangement. Unknown to his three associates, however, Ferguson, a Jamaican national, was in the custody of US Immigration authorities in Buffalo. After a fruitless search for Ferguson, the three men located Orville Dixon, a known friend of Ferguson, and held him at gunpoint in his home. While there, they ransacked the home before stealing three legal guns and \$6000 in cash. Dissatisfied with their inability to locate Ferguson or obtain more cash, Tyrrell, Sharp, and Fuller abducted both Dixon and his 8 year old daughter, forcing them into a vehicle before traveling to Ferguson's unoccupied apartment.

After ransacking the second apartment in search of cash and weapons, the three men disabled Dixon's cell phone before fleeing, without considering, it seems, Dixon's ability to simply use the house phone to alert authorities. Within minutes, Monroe County Sheriff's Deputies were in pursuit of Tyrrell, Sharp, and Fuller's vehicle on 490 East and observed the men throwing a weapon from the car into a grassy area after they exited the expressway in an attempt to evade police. After a high speed pursuit lasting several miles, the three men ditched the car at Park Road Elementary School and fled on foot. Fuller was apprehended in the school building, and both Tyrrell and Sharp were located in the surrounding neighborhood a short time later.

Prosecuted by Deputy Bureau Chief Pat Farrell, all three men were charged with multiple counts of Burglary, Robbery, and Kidnapping, resulting in various sentences ranging from 10 to 12 years in State prison.



Monroe County Sheriff's Deputy securing the location where the trio were observed throwing their weapon from the car.



People vs. Thomas Walker

On April 14, 2011, two unknown men, one of whom was armed, approached a young couple who were sitting in a vehicle in Genesee Valley Park and forced their way into the driver's seat of the car. The men then drove the couple to area ATM's, forcing the couple to reveal their pin numbers and subsequently withdrawing large sums of cash before driving to a remote area and fleeing. This same course of events would play out again weeks later, targeting a lone woman. Police had no suspects. A short time later, however, police made an arrest of an associate of Thomas Walker's, who provided police with information linking Walker to the crimes. With a suspect now secured, police were able to present photo arrays to the victims, who positively identified the defendant as the individual who abducted and robbed them. Days later, Walker was apprehended in Buffalo.



The map used at trial depicting Walker's routes from the sites of his abductions to the ATM machines

Prior to the trial, an acquaintance of Walker informed police that Walker had attempted to pay him and an associate to kidnap one of his victims to prevent her testimony, resulting in new charges being added against Walker. Prosecuted by Assistant District Attorney Kevin Fitzgerald, Thomas Walker was convicted of Robbery in the First and Second Degree for each instance, and was sentenced to a total of 40 years in prison.

People vs. John Meyer



The contents of Meyer's car. On the right are his lists of potential victims.

On December 3, 2011, a 90 year old man living on Meadowbrook Road in the town of Greece answered a knock on his door and was quickly overcome by two men who forced their way into his home. The men, 24 year old Jacob Buchanan and 28 year old John Meyer, laid the man on the floor and ransacked his home for jewelry and cash. The men then fled the scene in a waiting car driven by Sarah Cushman. Later that month, Meyers, acting alone, forced his way into the home of an 84 year old widow and beat her severely

before stealing property and fleeing. During the attack, the woman sustained serious permanent injuries.

Meyers became a suspect in the two incidences when Buchanan and Cushman, who had been arrested for a string of unrelated robberies, admitted to their involvement in the December 3rd incident and identified Meyers as an accomplice (see People V Jacob Buchanan, Jeffery Buchanan & Sarah Cushman). The subsequent investigation revealed that Meyers would routinely go door to door in residential neighborhoods posing as a contractor seeking work in order to identify victims, keeping detailed lists in his car of those he met. He would then return to the homes of the most vulnerable people that he met and rob them.

Meyers, who had an extensive criminal record and was on probation during the time of the offenses, pled guilty to robbery and assault charges and received a 15 year determinate sentence. The case was prosecuted for the People by veteran ADA Julie Hahn.

People vs. Willie Huitt

On July 8, 2011, thirty-six year old convicted felon Willie “Tiger” Huitt approached 20 year old Darrell Small on Norton Street in the City of Rochester to confront him regarding his belief that Small had provided information to police during a recent investigation. The incident quickly escalated into a physical altercation, during which Huitt produced a .45 caliber pistol and began to shoot at Small. Huitt fired several rounds in rapid succession, with two striking Small (one directly in the back of the heel as he fled), and one striking Stevie McKnight, an uninvolved pedestrian who was walking to the store with his young son on the other side of the street. Huitt fled the scene just before police arrived, but was apprehended days later following a tip from a witness who feared for their life. An anonymous call later that same day led police to the residence of one of Huitt’s associates, where the gun, which was ballistically matched to the shooting, was recovered under a mattress.



Bystander Stevie McKnight’s shoe at the scene.



The bullet hole in the back of Darrell Small’s Boot.

As often occurs in such cases, prosecuting Huitt proved challenging due to the “no snitching” culture prevalent in many of the city’s crime ridden neighborhoods, where fear of retribution prevents witnesses and victims alike from identifying the perpetrators of crimes. Fearing for their safety, both McKnight and Small refused to cooperate with authorities in identifying Huitt, as did the many eye witnesses to the crime. Unfortunately for the defendant however, six of those witnesses called 911 to summon an ambulance, with one of the callers stating unambiguously “Tiger just shot Darrell.” In addition, one eyewitness, who did not know Huitt, identified him in court as the shooter.

Prosecuted at trial by Assistant District Attorney Jennifer Hyatt, Willie “Tiger” Huitt was convicted of Assault in the 1st Degree and Criminal Possession of the Weapon in the 2nd Degree, receiving a sentence of 20 Years to Life. He will not become eligible for parole until 2032, when he will be nearly 60 years of age.

OPERATION IMPACT

Implemented in 2004, Operation IMPACT— a state funded grant program that emphasizes and promotes intelligence-based strategies and collaborative partnerships between all levels of law enforcement—has become a critical source of funding for many police departments, crime analysis centers, and District Attorney’s Offices across New York State. Funding for Operation IMPACT, which comes through the NYS Division of Criminal Justice Services, is targeted at the 17 urbanized or partially urbanized counties outside of New York City, including Monroe County, which account for 80% of all non-NYC related crime statewide. In addition to weekly information-sharing meetings between multiple law enforcement agencies, Operation IMPACT provides vital resources to ensure that IMPACT partners have the personnel and technology they need to act on life-saving information in a timely manner. In the Monroe County District Attorney’s Office, specialized IMPACT-funded prosecutors work in close collaboration with designated officers of the Rochester Police Department, Monroe County Sheriff’s Office, New York State Police, United States Attorney’s Office, Probation Office, Parole Office, the Mayor’s Office and other agencies in a comprehensive effort to reduce homicides, street violence and related drug trafficking.

In 2012, the portion of the \$1.75 million IMPACT grant, which is awarded to multiple law enforcement agencies in Monroe County, included \$757,300 earmarked for the District Attorney’s Office to fund prosecutors assigned to the Major Felony and Special Investigations Bureaus. Those prosecutors obtained 297 Felony indictments and nearly 600 Felony and Misdemeanor convictions, with 80% of those defendants receiving a jail sentence. In addition to these impressive numbers, IMPACT-funded personnel and strategies severely restricted plea bargaining for violent felony defendants and gun possession cases, advocating instead for maximum allowable sentences as well as instituting other changes to keep felons in custody while their cases were pending.

Along with funding vital prosecutors, a portion of the Operation IMPACT funds designated to the Monroe County District Attorneys Office are contracted to the Boys & Girls Club of Rochester in an effort to provide at-risk youth a positive, educational, and safe alternative to the negative influences that can sometimes exist in their lives. In this way, Operation IMPACT serves not only as a tool of law enforcement and prosecution, but as a resource for the community as well.

Funding received for this and all grants are included in the annual operating budget of the District Attorneys Office.

FACT

Of the 17 counties receiving IMPACT funding, Monroe County has seen one of the largest reductions in violent crime in IMPACT targeted areas.

Codis & DNA Collection

Of all the advancements in law enforcement technology over the last 30 years, none have been as significant as the development and refinement of DNA analysis as a tool for suspect and victim identification. Since its introduction in the early 1990's, DNA has become one of the most powerful and reliable evidentiary resources, not only for the conviction of the guilty, but for the exoneration of the innocent as well. In 2012, the application of DNA analysis technology on evidence as performed by both the Monroe County Crime Lab and other outside agencies greatly enhanced prosecutor's ability to gain convictions in situations where such outcomes would have been much more difficult, if not impossible, just two decades earlier.

The Federal Combined DNA Index System (CODIS) is a national DNA database that is maintained by the Federal Bureau of Investigation and contains profiles from convicted defendants as well as yet-to-be identified samples collected at crime scenes. The New York State Division of Criminal Justice Services (DCJS) maintains the DNA database for the State, which is comprised of data generated from DNA testing conducted pursuant to national standards by accredited state laboratories. Biological evidence collected at crime scenes throughout the county are brought to the Monroe County Crime Lab for testing, and if a DNA profile is developed, the lab uploads the profile to the State for input into CODIS. When a match—commonly called a “hit”—is found, the lab notifies the police agency who submitted the sample to the lab for testing so that arrangements can be made for an arrest, as well as the District Attorney's Office.

Legislation passed in 2008 requires all defendants convicted of Felonies and certain misdemeanors within New York State to provide a DNA sample upon conviction. In 2012, the Monroe County District Attorney's Office received notification of 46 CODIS hits, an increase of 18 hits from 2011.



The Monroe County District Attorney's Office Non-Violent Felony Bureau

The Non-Violent Felony Bureau prosecutes felony cases that do not involve bodily harm or the threat of bodily harm to victims. These crimes include, but are not limited to, burglary, auto theft, grand larceny, felony criminal mischief, and fraud cases not prosecuted by another specialized bureau. In 2012, the Non-Violent Felony Bureau prosecuted 1178 cases on behalf of the people of Monroe County, maintaining a 93% conviction rate. Julie Hahn, the Chief of the Non-Violent Felony Bureau, oversees five specialized prosecutors and reports directly to First Assistant District Attorney Kelly Wolford.

Bureau Chief Julie Hahn

Julie Hahn, Chief of the Non-Violent Felony Bureau, has been a member of the Monroe County District Attorney's Office since 1999. During that time, Ms. Hahn has served in the Local Courts, DWI, and Major Felony Bureaus, serving as Chief and Deputy Chief respectively during her career. In January 2012, Ms. Hahn was appointed Chief of the Non-Violent Felony Bureau by newly elected District Attorney Sandra Doorley where her trial skills, organizational abilities, and experience in a wide variety of cases have served to fortify this important area of prosecution.



A native of Rochester, NY, Ms. Hahn is a member of the Italian American Law Enforcement Officers of Greater Rochester, the Greater Rochester Association for Women Attorney's, and the Justinian Order of St. John Fisher College. In addition to these roles, she has served as a member of the faculty at St. John Fisher College and has taught courses for multiple law enforcement agencies within Monroe County, including the Rochester Police Department and the District

Attorney's Office. Julie Hahn performed her undergraduate studies St. John Fisher College and received her Juris Doctorate from the University of Buffalo.

People vs. John Doe (Sealed)

In the early morning hours of April 27, 2012, an eighteen year old male student broke into Brighton High School after shattering and climbing through one of the building's ground level windows. Once inside, the young man, who had been suspended from the school earlier in the week, went on a destructive rampage throughout the building, breaking windows and causing tens of thousands of dollars of damage to sensitive instruments in the school's science wings. At approximately 4:40am, a maintenance worker arrived at the school for work and, upon noticing the youth outside the building, called out in an effort to obtain his identity and reason for being on school grounds. Realizing that he had been detected, the student immediately fled.



The ground level window through which the defendant entered the building.

Brighton police were summoned to the scene and were able to locate the youth in a nearby parking lot, where he was taken into custody. Damage to the building and grounds at Brighton High School were so significant that all classes and activities had to be canceled until the following Monday. Evidently dissatisfied with the destruction he had caused at the school, the young man set about plugging the toilet in his holding cell at the Brighton Police Department a short time later, and became violent when officers entered the cell in an attempt to stop him. The student sustained injuries during the struggle, arriving in court with noticeable lacerations and abrasions on his face and hands.

The student, whose case was assigned to veteran prosecutor Julie Hahn, was charged with a host of criminal offenses including Burglary in the 3rd Degree, Criminal Mischief in the 2nd Degree, and Grand Larceny, in addition to other charges. The young man, who was denied bail and held throughout the proceedings, was sentenced to 5 years of Shock Probation and was required to pay restitution to the Brighton School District. Monroe County Court Judge John DeMarco granted the defendant Youthful Offender status, and following sentencing the record and charges were permanently sealed.

People vs. Justin Gibson, et. al



The defendant's footprints through a thick layer of dust from the many discharged fire extinguishers.

On the evening of June 4th, 2012, a Girl Scout Camp Leader arrived at Camp Piperwood in Perinton to begin preparing for a large gathering that was to take place that evening. When she approached the isolated camp, she witnessed three teens joyriding through the grounds on a motorized utility vehicle which she recognized as belonging to the camp's landscaping fleet. The teens, realizing that a person had arrived at the camp, abandoned the vehicle and disappeared.

As the Scout Leader approached the main lodge of the camp, it became apparent that the building and surrounding grounds had been heavily vandalized; doors were kicked in, windows were shattered, fire extinguishers had been discharged throughout the building, and gasoline had been spilled and set ablaze throughout the parking lot. The Camp Leader immediately called 911.

Monroe County Sheriffs Deputies responded, and during the course of the initial investigation witnessed three teens attempting to retrieve a vehicle that had been left on the premise. It did not take long to identify Justin Gibson, 19, and two 18 year old accomplices as the perpetrators of the vandalism. The three were immediately taken into custody, with the case being assigned to Julie Hahn, Chief of the Non-Violent Felony Bureau.



The vehicle the boys returned to retrieve, leading to their arrest.

All three defendants Pled Guilty to Burglary in the 3rd Degree, Criminal Mischief in the 2nd, Arson in the 5th Degree, and Grand Larceny. In October of 2012, they were sentenced to Shock Probation and 5 years Post Release Supervision, in addition to being required to pay over \$12,000 each in restitution. The two 18 year old defendants were granted Youthful Offender status, whereupon the record and charges were permanently sealed following sentencing.

People vs. Kelvin Presha

On the afternoon of October 27, 2012, Kelvin Presha, a 40 year old man with a history of drug abuse, became involved in a dispute with his mother over his insufficient care and treatment of three dogs which he kept on the property that the two shared. The argument over the dogs escalated until Presha, in a fit of anger, tied a noose around one of the dog's necks and hung it from a clothesline post located on the property, allowing the dog to strangle to death. Presha then set about tying a second dog to the rear bumper of his vehicle with the intent of dragging the canine to death, but his mother, who had contacted authorities during the initial incident, slashed the vehicle's tires with a large knife from her kitchen, rendering it useless. Presha attempted to hang a third dog from the same clothesline, but his brother interceded and cut the dog down before it sustained injuries. Rochester City Police arrived on the scene moments later and took Presha into custody.

Presha, who has a history of run-ins with the law, was arraigned and subsequently pled Guilty in State Supreme Court to the top counts of Aggravated Animal Cruelty and Attempted Aggravated Cruelty to an Animal. Prosecuted by Assistant District Attorney Marty Anderson, Kelvin Presha was sentenced to enter and complete a drug treatment program for his addiction. Failure to complete or fully comply with the rules of the program will result in an automatic year in jail. The two surviving dogs were taken into custody by the Monroe County SPCA and were subsequently adopted.



The dog saved by Presha's mother when she slashed the defendant's tires, immobilizing the vehicle.

The Monroe County District Attorney's Office Motor Vehicle Theft & Insurance Fraud Prosecution Program

A sub-unit of the Non-Violent Felony Bureau, the Motor Vehicle Theft and Insurance Fraud Prosecution Program (MVTIF) targets the twin problems of motor vehicle theft and auto insurance fraud through a grant from the State of New York. Fully staffed and operational since 2004, the MVTIF Program prosecutes the majority of stolen vehicle and insurance fraud cases involving motor vehicles for the District Attorney's Office. The grant funding, which in 2012 totaled \$143,000, comes directly from the New York State Division of Criminal Justice Services (DCJS) and is used to fund the salaries of one full-time Assistant District Attorney and one District Attorney Investigator whose principal function is to prosecute MVTIF Program cases. Both the prosecutor and the investigator assigned to the project receive substantial levels of specialized training on a continuing basis regarding the techniques of auto thieves, the various and ever-changing scams in which they engage, and the best practices for successful investigations and prosecutions of offenders. In addition to the prosecutorial functions of the MVTIF Program, those assigned to the program also track and report the characteristics of stolen motor vehicles, including make, model, and geographic location of thefts for use by local law enforcement agencies and for study by state organizations such as DCJS.

Since the introduction of the MVTIF Program, motor vehicle thefts in Monroe County have declined drastically, from 4461 reported thefts in 2003 (the year before the program's introduction) to 1044 in 2011, with 745 of those vehicles returned to their owners intact. In fact, each year since 2004 has witnessed a substantial reduction in motor vehicle related crimes from the year prior, a clear indication that this grant-funded program has made a significant impact. In addition to criminal prosecutions, the program has funded informational brochures for the public explaining both theft prevention methods as well as consequences for committing insurance fraud.

Funding received for this and all grants are included in the annual operating budget of the District Attorneys Office.

FACT :The #1 cause of motor vehicle thefts in Monroe County: Keys being left in vehicles.

The Monroe County District Attorney's Office Special Victims Trial Division

Formed in January 2012, the Special Victims Trial Division is a collation of four similar but independent bureaus that prosecute crimes committed against our community's most vulnerable victims while also remaining sensitive to the unique issues and dynamics associated with sexual assaults and abuse. Part of District Attorney Sandra Doorley's promise to renew the Office's commitment to victim rights and care, this newly created division includes the restructured Child Abuse Bureau, Sex Crimes Bureau, Domestic Violence Bureau, and Elder Abuse Bureau. Rather than consolidating these four important functions of the District Attorney's Office, the Special Victims Trial Division creates four independent bureaus while allowing prosecutors who specialize in certain areas of the law to receive direct support from colleagues with associated legal expertise and to utilize best practices to minimize the trauma suffered by victims of these crimes. The bureaus composing the Special Victims Trial Division collectively prosecuted 1092 cases in 2012, maintaining an 88% conviction rate.

The fourteen prosecutors of the Special Victims Trial Division are overseen by veteran Division Chief Mary Randall. Assistant District Attorney Andra Ackerman serves as Deputy Chief of the Division.

Child Abuse Bureau

Headed by Sara Vanstrydonck, the Child Abuse Bureau is responsible for prosecuting all cases involving the serious physical and sexual abuse of children, as well as crimes involving child neglect and/or endangerment. Prosecutors working within the Child Abuse Bureau work closely with community and service organizations including investigative agencies, child protective services, and local child advocacy centers to help children and their families navigate through the court system and minimize trauma to victims.

Sex Crimes Bureau

Headed by Elizabeth Buckley, the Sex Crimes Bureau investigates and prosecutes cases involving adult sexual assaults and other related crimes. This Bureau is comprised of trial attorneys with specialized knowledge and training in sex crimes, and prosecutors who work for the Sex Crimes Bureau work closely with victim advocates who support the victim throughout the criminal process in an effort to minimize trauma.

Domestic Violence Bureau

Headed by William Gargan, the Domestic Violence Bureau is responsible for prosecuting cases involving crimes characterized as abuse between family and/or intimate partners. Crimes that would typically be prosecuted by this bureau include the felony classifications of criminal contempt, Aggravated Family Offenses, assault, stalking, kidnapping, criminal mischief, and burglary in addition to related misdemeanor offenses. Prosecutors working within this bureau partner with many Domestic Violence consortiums and agencies at both the local and State level in an ongoing effort to support victims and reduce incidences of Domestic Violence.

Elder Abuse Bureau

Headed by Monica O'Brien, the Elder Abuse Bureau prosecutes crimes against the elderly. This includes violent and nonviolent felonies with a focus on physical abuse, property crimes, and financial exploitation where the victim is targeted based on their advanced age. This bureau works with various agencies, including the Victim Witness Bureau, to ensure that the needs of victims are being met throughout the criminal proceedings and beyond.

Division Chief Mary Randall

Mary Randall, Chief of the Special Victims Trial Division, returned to the Monroe County District Attorney's Office in 2012 after having spent 11 years as an attorney in private practice concentrating on Family Court matters. In addition to her thorough understanding of Family Court, Ms. Randall has extensive experience in the criminal courts of Monroe County, having



served as a prosecutor in the Monroe County District Attorney's Office for over a decade. In her previous tenure, Ms. Randall served in Major Felony Bureau, where she was called upon to try some of the bureau's most challenging cases.

Mary Randall is a frequent lecturer for police training as well as an active member of the Monroe County Bar Association. In addition, she is active with several outreach organizations including the Program Committee at Bivona Child Advocacy Center, the Domestic Violence Consortium, the Criminal Justice Section

Committee, and the Rochester Against Child Abuse Network Committee. Ms. Randall performed her undergraduate studies in Criminal Justice at the Rochester Institute of Technology and received her Juris Doctorate from the University of Dayton School of Law.

People vs. Antoinette Montgomery

On February 12, 2012, Antoinette L. Montgomery, 34, and her boyfriend, Axel Serrano, became involved in an argument in their Parcels Avenue home in the City of Rochester. The dispute escalated until Montgomery seized a large knife from the kitchen and stabbed Serrano several times in the arm, severing multiple arteries. Despite extremely serious injuries, Serrano was able to escape the home, collapsing on a neighbor's porch due to the tremendous, near-fatal levels of blood loss. Thanks to the quick response and emergency medical treatment provided at the scene by officers of the Rochester Police Department, Serrano survived the incident. Antoinette Montgomery was taken into custody a short time later after attempting to flee the area.



The door through which a seriously wounded Axel Serrano escaped his attacker

At her arraignment, Montgomery pleaded Not Guilty to charges of Assault in the 1st and 2nd Degrees and her trial commenced in September of 2012. At the close of the three day trial, Montgomery elected to take the stand and during her testimony gave several inconsistent reports regarding what took place that day. Despite sustaining no apparent injuries during the incident, she attempted to argue that Serrano was the one attacking her and that he sustained the lacerations on his arm as a result of a freak accident during that attack. Prosecutor Patrick Gallagher, however, was able to demonstrate that Serrano's extensive injuries were clearly intentional in nature, and that he had been the victim of a life threatening assault, not an accident.

On September 7, 2012, Antoinette Montgomery was found Guilty of Assault in the 1st Degree and was later sentenced to 15 years in state prison. Axel Serrano was left with permanent injuries and never recovered the full use of his left arm.

People vs. Ramon Laureano-Burgos

On June 22, 2012, Ramon Laureano-Burgos, 29, lured a 10 year old girl into his residence on Bartlett Street in Rochester with the promise of cookies. When the young girl entered the residence, however, Laureano-Burgos produced a knife and then sexually fondled and exposed himself to her after forcing her to view pornography. Following the incident, the young girl, acting with tremendous composure, crossed the street to a relative's house, locked herself in an upstairs



The cookies (above) found near the knife (left) that Ramon Laureano-Burgos used in the commission of the assault.



bathroom, and immediately called 911. Laureano-Burgos fled the residence, but was apprehended at a Motel 6 the following morning by officers of the Rochester Police Department. Interviews conducted during the investigation of the June 22nd incident revealed that the defendant had similarly molested another girl, also 10.

Confronted with the evidence against him, Ramon Laureano-Burgos pled Guilty to one count of Criminal Sex Acts in the 1st Degree and one count of Sexual Abuse in the 1st Degree. He was subsequently sentenced to 10 years in state prison with 15 years post release supervision, in addition to having to register as a sex offender. The case was prosecuted for the People by Assistant District Attorney Laura Vanderbrook.

People vs. Rayland Hicks

In January of 2008, Rayland Hicks, 28, broke into his ex-girlfriend's apartment and sexually assaulted her in an extraordinarily vicious manner, causing serious trauma to the victim requiring extended hospitalization. Based primarily on the vivid testimony of the victim, Hicks was subsequently found guilty at trial and was sentenced to 12 years in prison. That conviction, however, was vacated by the Appellate Division Fourth Judicial Department due to technical issues surrounding the case, and a new trial was ordered.

While a case being re-tried due to technicalities is not unheard of, the second prosecution of Hicks was complicated by the fact that the victim no longer wished to cooperate and invoked her rights under the Fifth Amendment to the Constitution, having reconciled the relationship with her attacker. As a result, Deputy Bureau Chief Andra Ackerman, who prosecuted the case, sought permission to enter the victim's previous testimony into the record, which was granted by the court. Throughout the second trial, the judge heard the prosecutor read from the transcript of the previous trial and was allowed to consider every tortured statement given by the victim at that time.

On October 23rd, 2012, Rayland Hicks was once again found guilty of Aggravated Sexual Assault in the 2nd Degree, Burglary in the 1st Degree, and Aggravated Criminal Contempt and was sentenced to 15 years in state prison—three years longer than his original sentence prior to appeal. Ironically, the court, prior to trial, offered Hicks the opportunity to plead Guilty to the top count and receive a sentence of time served (at that point 5 years), but he refused, believing that the victim's unwillingness to cooperate at the second trial would scuttle the prosecution's case.

People vs. Jason Morgan

On the night of April 30, 2012, thirty-four year old Jason B. Morgan broke into the Greece, NY apartment of a woman with whom he had recently been in a relationship and hid himself in a bedroom closet. Unaware of the intruder, the woman arrived home a short time later while on the phone with a friend. When she entered the bedroom, Morgan sprang from the closet exclaiming, “Don’t you love me?” before physically assaulted her, disabling her phone, and viciously raping her on her bed.



Morgan’s footprints below the victim’s bedroom window

The friend with whom the victim had been on the phone, however, hearing the initial struggle and recognizing the voice of the ex-boyfriend, immediately understood that her friend was being assaulted and called for help. Police responded immediately, and Morgan was arrested at the scene. Morgan pled Not Guilty at his arraignment, and the case, which was prosecuted by Assistant District Attorney Amanda Balling of the Special Victim’s Trial Division’s Sex Crimes Bureau, was scheduled for trial.

During the trial, the defense attempted to argue that Morgan actually lived in the apartment, thus implying that the sexual contact—which DNA evidence had proven was Morgan—had been consensual. A forensic expert, however, used footprint analysis from outside the apartment to demonstrate that Morgan had, in fact, broken in through a window, proving that he did not reside there.

The jury found Jason Morgan Guilty of Rape in the 1st Degree and Criminal Trespass in the 2nd Degree and he was sentenced to 15 years in state prison.

People vs. Nelson Castillo

In February of 2012, a boy attending high school in Greece, NY engaged in a conversation with a school resource officer whom he had befriended about a dangerous domestic situation that had developed at his home. The boy’s stepfather, Cuban born Nelson Castillo, 37—a violent man with a long history of domestic abuse against the boy and his family—had for a second time violated a no-contact Order of Protection, forcing his way back into the family’s home after abducting and assaulting the boy’s mother, forcing her to disclose the family’s new address. The boy’s mother, fearing for her safety and the safety of her young children, refused to contact police as Castillo had moved himself into the family’s new home and resumed his daily cycle of verbal and physical abuse. She had, however, asked her oldest son for help, and the boy and the resource officer developed a plan to apprehend Castillo in the home while keeping the boy’s family safe.



Multiple orders of protection entered into evidence that Nelson Castillo violated prior to his arrest.

On the day of Castillo’s final arrest, the boy worked within the home to move the entire family to the relative safety of the second floor while Castillo ate in the kitchen. The young man then called officers of the Greece Police Department who were at the ready to arrest Castillo. The police, who entered the house through the kitchen, apprehended Castillo when he attempted to flee.

Nelson Castillo pled not guilty to the charges against him and was ordered held for trial. Several days of anguished testimony revealed new details about the abuse that the family endured at the hands of Castillo, with one family member recounting that Castillo threatened to kill them virtually every day. A Monroe County jury subsequently found Nelson Castillo Guilty of 5 counts of Criminal Contempt, and he was sentenced to 3 ½ to 7 years in state prison. Following conviction, Assistant District Attorney David Siguenza, who prosecuted the case for the People, noted that the case of Nelson Castillo is a near perfect example of the cycle of domestic violence and it’s terrorizing and destructive effects on families.

People vs. Solomon Weems

On the night of June 21, 2012, a fifty-two year old woman and her teenage daughter went to bed for the evening in their South Wedge neighborhood home in the City of Rochester. At approximately 1am, Solomon Weems, a recently paroled 32 year old man with an extensive and violent criminal history, kicked in a ground level basement window and slipped into the home undetected, armed with a handgun. Within minutes, Weems had seized both women, bound them with shoelaces, blindfolded them, and placed them face down on a bed side by side before raping them repeatedly. The violent sexual assaults lasted for hours, interrupted periodically by Weems' ransacking of the home in search of valuables and irrational outbursts while pressing the gun against the woman's heads, threatening to kill them. After several hours of brutally raping and terrorizing his victims, Weems fled the home with their phones and computers, using their minivan to escape.



The basement window through which Weems gained entry into the victims' home

Realizing that their attacker had finally fled, the women ran to a neighbor's home for help and immediately called police, who began an intensive search for the woman's stolen vehicle. It wouldn't take long. Weems, in his haste to leave the area, crashed the van into several parked cars only minutes after police received the initial call from the victims. He was apprehended at the scene.



The gun, used by Weems during the rapes, found discarded at the scene.

In addition to the present charges facing him, a CODIS hit implicated Weems in the 2004 rape of a woman on Pulaski Street, denoting him a serial rapist and leading to additional counts in the indictment. In the following days, Solomon Weems was indicted on a host of charges including three counts of 1st Degree Rape, Predatory Sexual Assault, 2nd Degree Kidnapping, and 1st Degree Burglary, among numerous other charges. The case would be prosecuted for the People by Assistant District Attorney Sara Van Strydonck. Following his arrest, the defendant repeatedly admitted to being in the victim's home, but said he was there only trying to find out more information about a shooting that took place on Reynolds Street weeks earlier involving one of his relatives. Subsequent investigation, however, revealed no connection between the victims and the shooting on Reynolds Street.

Faced with overwhelming evidence against him, Solomon Weems pled guilty to the indictment. Prior to sentencing, the mother of the young victim, in a statement to the court, recalled using her bound hands to grasp her daughter's hand on the bed as she was being raped by Weems, doing the only thing she could to offer her daughter comfort during the assault. Solomon Weems was sentenced to 35 years in prison, the maximum sentence allowed by law.

People vs. Tina Switkowski

On May 12, 2011, Greece, NY home daycare provider Tina Switkowski (a.k.a. Tina Sardisco), 29, dialed 911 from her home claiming that one of the children with whom she was entrusted had become unresponsive. When ambulance crews arrived, they found the 6 month old baby girl in a state of distress and immediately rushed her to Strong Memorial Hospital. Once there, the pediatric specialists in attendance examined the child closely and came to the unanimous conclusion that the child had been shaken violently by an adult, leading to serious injuries including retinal hemorrhaging and hemorrhaging of the brain. Based on the conclusions of multiple physicians and the fact that no other adult was in the home at the time of the incident, Switkowski was arrested and indicted on charges of Reckless Assault. The case would be tried by Meredith Vacca of the Special Victims Trial Division's Child Abuse Bureau.

Throughout the investigation and subsequent trial by jury, Switkowski maintained that the baby's injuries were the result of her heroic attempts to save the baby's life while performing CPR following an alleged choking incident. Expert witnesses, however, were able to demonstrate that the injuries that the child had sustained were inconsistent with anything that the defendant was claiming occurred and could only have been caused by violent and sustained back-and-forth shaking of the head, consistent with Shaken Baby Syndrome.

On June 20, 2012, Tina Switkowski, was convicted at trial of one count of Reckless Assault and one count of Reckless Assault by a Daycare Provider and was sentenced to 3 years in prison. The child, now 2 ½ years of age, recovered well in the months following the assault. However, the full extent of any long-term neurological and developmental disabilities remains unknown.



Tina Switkowski demonstrating her actions of May 12th on a mannequin during the investigation

People vs. Joshua Butera



The door through which the victim's mother entered moments before discovering Butera raping her daughter

On the evening of January 14, 2012, the mother of a 7 year old girl in the City of Rochester walked in on her boyfriend, 34 year old Joshua Butera, who was engaging in the rape of her young daughter. The mother immediately intervened and alerted police, and Butera, a Level 2 Sex Offender who remained on probation from a 2005 rape conviction, fled the scene. Rochester Police began an immediate and intensive search for Butera, who was taken into custody hours later at the home of a relative. During subsequent interviews at the Bivona Child Advocacy Center in Rochester, the young victim revealed that Butera had sexually assaulted her on several other occasions.

Faced with overwhelming biological and eye witness evidence, Joshua Butera pled Guilty to Rape in the First Degree and was sentenced to 23 years in state prison plus 20 years Post Release Supervision.

The Monroe County District Attorney's Office DWI Bureau

The DWI Bureau is responsible for prosecuting all defendants charged with Felony DWI, Vehicular Assault, and Vehicular Homicide, in addition to other crimes associated with the unlawful operation of a motor vehicle. Each year, hundreds of people across New York State, and many in Monroe County, are killed or permanently injured as the result of alcohol related crashes. Working with police agencies throughout the county, the District Attorney's Office has implemented an aggressive prosecution policy toward DWI and crimes committed while operating a motor vehicle under the influence of alcohol. In 2012, the DWI Bureau prosecuted 1011 Felony cases on behalf of the people of Monroe County, maintaining a 99% conviction rate—among the best in New York State. Raymond Benitez, Chief of the DWI Bureau, oversees four specialized prosecutors and reports directly to Second Assistant District Attorney Tim Proseri.

Bureau Chief Raymond Benitez

Raymond Benitez, Chief of the DWI Bureau, has been a member of the Monroe County District Attorney's Office since 2000. A former officer with the Rochester Police Department, Mr.



Benitez has spent his thirteen year career as a prosecutor serving in both the Local Courts Bureau and the former Domestic Violence Bureau, as well as serving as an Assistant District Attorney in the DWI Bureau which he now heads. In addition to his current role, Mr. Benitez is the former Chief of the Gun Bureau and the former Chief of the Special Investigations Bureau, which are now consolidated. In January 2012, Mr. Benitez was selected to head the DWI Bureau by District Attorney Sandra Doorley due to his extensive experience as both a trial prosecutor and administrator.

Ray Benitez has spent most of his life in Rochester, NY and is a graduate of McQuaid Jesuit High School. He holds a Bachelor of Science from SUNY Buffalo's Jacobs School of Management and obtained his Juris Doctorate from the University of Buffalo School of Law.

Leandra's Law

In October of 2009, eleven year old Leandra Rosada lost her life when the car she was riding in hit an obstruction and overturned on the Henry Hudson Parkway in New York City. Tests would reveal that the driver of the car, the mother of one of Rosada's young friends, was intoxicated when the crash occurred. Outraged by the incident, the New York State Legislature acted quickly, and the Child Passenger Protection Act, commonly known as Leandra's Law, was signed by the Governor less than five weeks later.

Leandra's Law makes it an automatic felony to drive drunk with a child passenger 15 years of age or less in the car, even for first time offenders. The law also forces anyone with a DWI conviction—misdemeanor or felony—to have an ignition interlock device installed in their car for a minimum of 6 months, making New York one of only 13 states with such a requirement. This device, which is installed at the owners expense, requires that the driver submit a breathalyzer sample before the vehicle can be started. In 2012, there were two arrests referred to the DA's Office for prosecution for violations of Leandra's Law in Monroe County.

An overwhelming number of people who use ignition interlocks report that these devices have positively changed their habits, a fact that will reduce the occurrence of these tragic and preventable accidents in New York State.

Pre-Trial Diversion

A critical part of the mission of all law enforcement officials in Monroe County is to avoid incidences of DWI while preventing those convicted from reoffending. To that end, defendants charged with Felony DWI who surrender their license and demonstrate a commitment to dealing with their alcohol problem may be offered the opportunity to participate in the Pre-Trial Diversion Program. If admitted to this program, participants receive counseling and other services to deal with their alcohol related issues, and if successful, are allowed to plea to misdemeanor rather than felony DWI charges.

In 2012, two hundred felony arrests were accepted into the Pre-Trial Diversion Program. Of that number, 196 completed the program, as success rate of 98%.

People vs. Keith Bason

On the morning of September 30, 2011, forty nine year old Keith Bason drove to Penfield Middle School with the intention of dropping off his child for the day. Bason, who approached the school erratically and at a high rate of speed, disregarded the requests of two startled crossing guards to slow down as he entered school property. The Vice Principal of the school, who was nearby overseeing the children as they were disembarking for the day's activities, witnessed Bason's alarming approach and stepped directly in front of his vehicle with his hands out to stop him. The Vice Principal, who then rushed to the driver's side of vehicle to question the vehicle's operator, immediately sensed the strong odor of alcohol and demanded that Bason surrender the keys before calling 911. Subsequent breath analysis by police would reveal Bason's BAC to be nearly twice the legal limit, resulting in his arrest.

During his trial, the defendant, in an attempt to discredit the breathalyzer evidence against him, hired a purported expert on breathalyzer technology for \$8000, who testified for the defense that the breath analysis was faulty due to the fact that Bason had used an asthma inhaler a short time before his arrest. Darren Pilato, prosecutor on the case, however, was able to present a significant body of evidence demonstrating that the claims made by the expert were in fact false and that the breathalyzer device used the day of Bason's arrest would not have been affected by the use of an asthma inhaler.



A map of Penfield High School entered into evidence showing Bason's path the morning of his arrest.

After two days of testimony, the jury found Keith Basson guilty of Felony DWI under the Leandra's Law statute. Because he had no prior offenses or criminal history, he was sentenced to 5 years of Probation in addition to a \$1250 fine and license revocation.



People vs. Kashia Houston

On the night of November 13, 2011, Sherry Argro parked her car in a designated parking spot along the curb on Thurston Road in the city of Rochester. As she exited the vehicle, Argro was struck by a Southbound car, sustaining multiple broken bones and numerous other debilitating injuries including a shattered pelvis, a shattered knee, head trauma, and serious lacerations.



Alcoholic beverages found within the defendant's vehicle at the time of her arrest

The driver of the striking vehicle, 22 year old Kashia Houston, continued from the scene but was apprehended a short time later by officers of the Rochester Police Department. Subsequent analysis of her blood, sampled shortly after the incident, revealed that Houston had a BAC of .21% —nearly 3 times the legal limit. In addition, the defendant was talking on her cell phone when she struck Argro, and had been operating the vehicle with a suspended driver's license.

On September 14, 2012, Kashia Houston, who was prosecuted by Assistant District Attorney Brian Green, pled Guilty to Vehicular Assault in the 1st Degree and was given the maximum sentence of 2 1/3 to 7 years in prison. To date, Sherry Argro has undergone more than 10 surgeries and has very limited lower body mobility. She continues to undergo regular physical therapy.

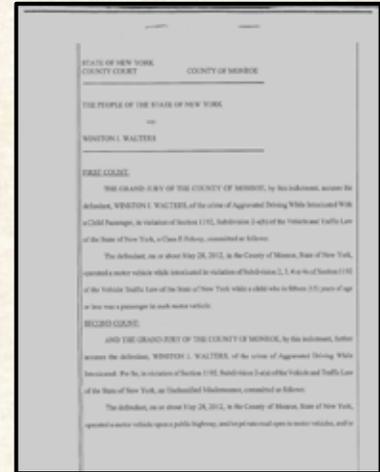


Point of contact on Kashia Houston's Vehicle

People vs. Winston Walters

At approximately 7pm on Memorial Day, 2012, a New York State Trooper pulled over a car for a minor traffic infraction on Route 490 in the Town of Greece. While speaking with the driver, the trooper noticed a car approaching in his peripheral vision that appeared to be coming straight for him. Sensing that he was about to be struck, the Troopers leaped out of the path of the oncoming car, which missed the vehicle that the trooper had pulled over by a very small margin. The trooper released the driver that he had been addressing moments before and began an immediate pursuit of the car that had nearly taken his life.

While in pursuit, the Trooper noticed the car weaving and changing speed in an erratic fashion and immediately pulled the car over. The driver, 39 year old Winston Waters, was operating the vehicle with his 11 year old son in the car, visibly intoxicated. Breath analysis revealed a BAC of .31—nearly four times the legal limit—and he was taken into custody.



The indictment filed with Superior Court charging Winston Walters with a violation of Leandra's Law

Winston Walters was convicted of Felony DWI under the Leandra's Law statute and was sentenced to 5 years probation with 6 months in jail as shock, in addition to license revocation, ignition interlock device installation and fines. The case was prosecuted for the People by Karin Intermill.

People vs. Matthew Norstrand

On the night of March 12, 2011, Matthew Norstrand, 26, of Genesee County, was driving Westbound on East Main Street in the City of Rochester when he struck a pedestrian, 41 year old Richard Strapp, who was crossing at the corner of East Main and Alexander Street. Realizing that he had hit the victim, Norstrand fled the scene but was pursued by witnesses. Incredibly, Norstrand, in an attempt to evade those who were following him, circled the block and passed the accident scene at high speed a second time while witnesses administered aid to the victim. Strapp would die at the scene moments later of his injuries.



The corner of East Main and Alexander where Richard Strapp lost his life

After successfully eluding his pursuers, Norstrand abandoned his vehicle on Stunz Street and ran into a nearby bar, where, after a significant period of time, he called police and reported his car stolen in an attempt to escape blame for the fatal incident. The investigation, however, bolstered by both eyewitness accounts and other physical evidence, left little doubt of Norstrand's culpability. After an 8 day jury trial, veteran prosecutor Brian Green secured a verdict of Guilty for Leaving the Scene of an Accident Resulting in Death. On May 17, 2012, Matthew Norstrand was sentenced to 2 1/3-7 years in prison—the maximum penalty allowed by the statute.



Norstrand's car as located by police

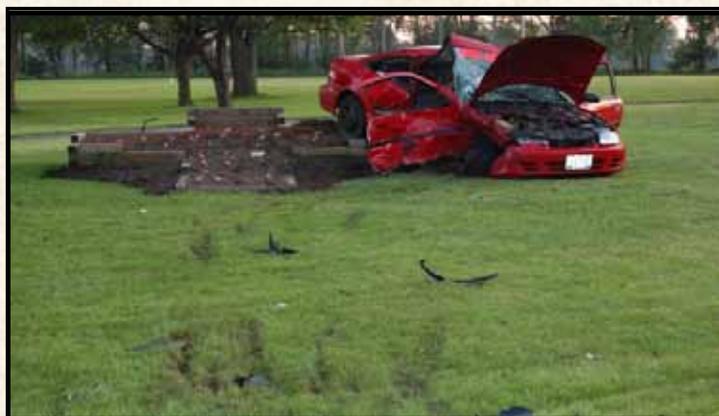
People vs. Jacob Stevens

On the evening of June 5, 2011, twenty year old Jacob Stevens and his passenger, twenty-one year old Danielle Gowanlock, were traveling at a high rate of speed down Church Road in the Town of Hamlin. As they approached the intersection with Lake Road, Stevens drove his vehicle through a stop sign without slowing and was struck by a northbound car driven by 42 year old Rebecca Maynard. The impact sent Steven's car into a high speed spin, coming to rest atop a cross-shaped flowerbed before a church located near the intersection. Moments later, Danielle Gowanlock's friends, who had been in a separate vehicle nearby as the group traveled to a local beach, arrived at the scene.

Jacob Stevens freed himself from the wreckage miraculously unharmed. Danielle Gowanlock and Rebecca Maynard would not be so lucky. Maynard suffered severe head trauma and had to be transported by ambulance to Strong Memorial Hospital. Gowanlock, who suffered massive internal injuries, would die at the scene with her friends at her side while Stevens stood by the road. Stevens was later transported to the hospital for evaluation where police were able to obtain a blood sample. During the initial investigation of the crash, police officers on the scene noted drug paraphilia in Stevens' car.

Toxicology analysis on Jacob Stevens' blood drawn after the incident revealed the presence of THC, the active ingredient in Marijuana, in his system at the time of the collision. The results of the sealed investigation, which were presented to a Grand Jury by Assistant District Attorney Karin Intermill, resulted in Steven's indictment on a host of charges including Vehicular Manslaughter and DWAI-Drugs. When served with a warrant for his arrest following the indictment, Stevens callously said to the warrant officers, "You know you guys just ruined my Thirsty Thursdays?"

After initially pleading Not Guilty to the indictment, Jacob Stevens eventually pled Guilty to Vehicular Manslaughter in the 2nd Degree, Assault in the 3rd Degree, and DWAI-Drugs and was sentenced to 1-3 years in State prison. Rebecca Maynard, the driver of the other vehicle, suffered brain damage, from which she is permanently affected.



People vs. Holly Laporta

On the morning of February 17, 2012, forty year old Holly Laporta approached the Elementary School in Henrietta that her two young children, who were riding in the back seat, attended with the intention of dropping them off for the day. While attempting to pull up to the curb, she struck another parent's vehicle violently from behind. Realizing what she had done, Laporta attempted to pull away and flee the scene, but only compounded the damage when she drove her vehicle into the back of a stationary school bus.

Monroe County Sheriff's Deputies were summoned to the scene, and observing Laporta's behavior, asked her to submit to a breathalyzer test. The results revealed that her BAC was .21, well over the legal limit. Though it was her first criminal offense, Laporta was arrested and charged with Felony DWI under Leadra's Law, to which she subsequently pled Guilty in Monroe County Court. As a condition of her sentence, she was required to wear a SCRAM alcohol monitoring bracelet for a period of 6 months and attend alcohol abuse counseling. Throughout the proceeding, the defendant claimed to have no recollection whatsoever of the events leading to her arrest.



A Secure Continuous Remote Alcohol Monitoring (SCRAM) Bracelet, ordered to be worn on the ankle of an offender to detect court-prohibited alcohol consumption.

People vs. Vernell Simon

On the night of May 13, 2011, Vernell Simon and another man engaged in an argument at a bar in Rochester. Following an altercation in both the bar and the parking lot, Simon pursued the man in his vehicle, resulting in a lengthy high speed car chase through the city.



The car in which the young victim was traveling after being struck by Simon.

During the violent chase, Simon rammed the other man's car several times while the other man shot at Simon with a handgun. Minutes into the chase, Simon neared an intersection in the city where he drove through a stop sign, broadsiding at a high rate of speed the rear passenger door of a passing vehicle. A young girl, 8 year old Alyssa Mykins, was sitting, properly restrained, in the rear passenger seat of the vehicle struck by the defendant and sustained serious head and shoulder injuries. Simon fled the accident scene to continue his pursuit of the other vehicle.

Vernell Simon, who sustained only minor injuries, was apprehended shortly afterwards at his home on the East side of the city following a brief but thorough investigation. Though he pled Not Guilty at his arraignment, on the eve of his trial, the defendant pled Guilty to Assault in the 2nd Degree, a Violent Felony Offense, and on October 25, 2012 was sentenced to 2 years in prison. Assistant District Attorney Brian Green prosecuted the case for the People. Alyssa Mykins recovered from her injuries, but sustained severe scarring on her forehead and scalp.

People vs. Norman Evans

Norman Evans, a 44 year old auto repair shop owner, had a troubling history of “borrowing” his clients cars that he was entrusted to repair and crashing them while under the influence of alcohol. On the night of February 7, 2012, Evans, who was awaiting sentencing on a Felony DWI and Violation of Probation charge to which he had just been convicted, was traveling at a high rate of speed when he lost control of the vehicle that he was driving and crashed it into a tree near a historic cemetery in the Village of Pittsford. When Police arrived, they found Evans unconscious and suffering from a broken leg. Due to the fact that he was unable to communicate and in a state of physical distress, hospital staff drew blood after transport based upon implied consent and the sample was surrendered to Monroe County Sheriff’s Deputies.



The car Evan's was driving. Only the tree prevented Evans from driving full speed into the historic cemetery.

Investigation into the crash revealed that Evans’ BAC was .26—over three times the legal limit—and he was high on cocaine. A quantity of cocaine was also discovered on his person. Not surprisingly, the car that he was driving was not his own, but belonged to one of the customers of his repair shop, which he was using without the owner’s knowledge or consent.

On June 11, 2012, Norman Evans, who was prosecuted by Assistant District Attorney Karin Intermill, pled guilty to Aggravated DWI to be added to the host of charges that he faced from his other recent convictions. He was released pending sentencing and has since absconded. A bench warrant for his arrest was issued September 12, 2012. He remains at large.



People vs. Stephen T. Divito

On the afternoon of November 5, 2011, James and Patricia DePinto, a husband and wife both in their 60's, were returning from an afternoon of picking apples together in the Town of Parma. When they attempted to cross the intersection of Lake Ontario Parkway

and North Avenue, a large SUV traveling at a high rate of speed struck their car from the side. The DePintos

would succumb a short time later to their injuries. The driver of the SUV, 40 year old Dr. Stephen Divito, a licensed chiropractor, fled in an effort to evade detection—leaving behind the front bumper of his vehicle complete with license plate. Divito, who at the time of the collision had two DWI convictions and a third pending, would crash his damaged SUV once again several miles away, causing further serious injury to his passenger.



The scene of the fatal accident. The portion of Divito's front bumper containing his license plate lay visible in the center of the passing lane.



James and Patricia DePinto's car.

When police arrived at the scene of the second crash, Dr. Divito was trapped in the driver's seat of the SUV, with his passenger, a 51 year old male, unconscious and bleeding profusely from his face. Despite the strong smell of alcohol emanating from him, Dr. Divito denied that he had been drinking that afternoon and refused officer's repeated requests to take a breathalyzer test. After being transported to the hospital, Divito refused to speak with

officers, and a court order was obtained to force him to submit to a blood draw. The results revealed that Dr.

Divito maintained a BAC of .15—nearly twice the legal limit—3 hours after the initial crash. The “black box” recording device, recovered from the wreckage of his vehicle during the subsequent investigation, indicated that he was traveling approximately 85mph at the time of the collision that claimed the DePintos' lives.

In May of 2012, Stephen Divito, who was prosecuted by Bureau Chief Raymond Benitez, was indicted on a host of charges including Aggravated Vehicular Homicide, Driving While Intoxicated, Assault in the 2nd Degree, and Leaving the Scene of a Motor Vehicle Accident Involving Fatality. On October 29, 2012 Stephen Divito pled guilty to several counts within the indictment and was sentenced to 7-15 years in state prison. At his sentencing, Dr. Divito accepted full responsibility for the incident and apologized to the victim's family for his actions.



From the interior of Stephen Divito's SUV

Evidence, Forensics, & the CSI Effect

Flip through the channels on your television virtually any weeknight, and before long, you will come across one of many CSI programs that pervade American airwaves. Viewed by over two billion people worldwide and with over a dozen variants, the CSI television franchise has become a cultural phenomenon, transforming what was once a little known and poorly understood aspect of criminal investigation into a celebrated, revered, and anticipated facet of law enforcement. Each episode brings to life cases where the guilty party thought that they'd committed the perfect crime, only to be undone by a technician with a random hair, DNA sample, latent palm print, or some other piece of biological evidence which they quickly and skillfully craft into an airtight case. On television, they always get their man, and always within one hour.

The CSI programs have been an incredible success for networks and advertisers, with a seemingly endless stream of praise and numerous industry awards. For law enforcement professionals, however, reviews have been mixed. Often referred to as the "CSI Effect," programs like CSI and its spinoffs have left many members of the public with often unreasonable expectations of the capabilities, accuracy, and speed of real-life forensic criminal identification processes. Prosecutors already encumbered with substantial burdens of proof must now grapple with jurors who presuppose that a lack of available biological evidence equates to substandard investigation practices. DNA samples or blood submitted for toxicology testing, which under even the most favorable circumstances can take many weeks to complete, are received with suspicion when not completed within hours. Worst of all, prosecutors face the prospect of acquittals in otherwise strong cases due to the potential for jurors to believe that the absence of some form of indisputable forensic evidence somehow sheds doubt on a defendant's guilt (after all, there's never any doubt on CSI Miami).

CSI's cultural impact goes beyond the courtroom and into the realm of field investigations as well. On television, positively identifying a suspect through DNA analysis typically concludes the investigation—next stop: prison. This creates the misconception among many that CODIS matches can, and should, lead to immediate arrest and incarcerations in all cases. In the real world, however, a DNA sample or other biological evidence matching a suspect profile is only the beginning of an investigation, not the end. Defense attorneys, acting properly on behalf of their clients, are skilled at offering jurors plausible explanations for such evidence and creating reasonable doubt. DNA evidence is but one piece in a much larger puzzle, useful for placing a defendant at a crime scene or proving certain circumstances or events. It is rarely, however, a "silver bullet" able to stand alone without additional supporting evidence, which sometimes takes much longer to gather. In short, DNA evidence, useful though it may be, is no substitute for traditional, rigorous police work.

Not all that appears on CSI programs is fiction, however, which has led to an additional set of challenges for both police and prosecutors over the last decade. Like many modern dramas, the writers of the CSI type-programs have conducted research into the subject of criminal forensic technology and summarize evidence-procuring techniques in their programs, giving viewers a look inside this emerging field of criminal investigation. Unfortunately, some of those viewers are future defendants, who will know how to destroy or never produce evidence that would have been preserved but for an episode of CSI Las Vegas. For nearly a century, careful criminals have recognized the potential of fingerprints as evidence. They now know to collect shell casings, chemically sanitize physical evidence, and incinerate entire crime scenes in an effort to prevent the very type of evidence collection witnessed every night, to the delight of millions, on network television.

In these ways, the facts and fictions of the *CSI* phenomena have spilled over into the real world, leaving those involved in law enforcement with a new set of challenges in the community and the courtroom alike.

The Monroe County District Attorney's Office Special Investigations Bureau

The Special Investigations Bureau is responsible for the prosecution of all felony drug and gun cases, the acquisition of court orders for wiretaps, and for coordinating with arresting agencies to seize the assets of convicted drug dealers. In January of 2012, as part of her internal reorganization of the Bureau structure, District Attorney Doorley moved the prosecution of crimes involving guns from the Major Felonies Bureau to the Special Investigations Bureau because felony drug crimes and guns crimes are so often interrelated. Unlike most bureaus, the Special Investigation Bureau works closely with Federal law enforcement agencies such as the Drug Enforcement Administration (DEA) and the U.S. Attorney's Office, with each organization providing support and working collaboratively to determine if defendants charged with drug and gun related crimes are best prosecuted at the State or Federal level. In 2012, the Special Investigations Bureau prosecuted 871 Felony cases on behalf of the people of Monroe County, maintaining an 89% conviction rate. Matthew Schwartz, the Chief of the Special Investigations Bureau, oversees seven specialized prosecutors and reports directly to Second Assistant District Attorney Timothy Prosperi.

Bureau Chief Matthew Schwartz

Matthew Schwartz, Chief of the Special Investigations Bureau, served as an Assistant District Attorney in Schenectady County for 2 ½ years before joining the Monroe County District Attorney's Office in 2004. Since that time, Mr. Schwartz has served as an Assistant District Attorney in the Local Courts Bureau, the Non-Violent Felony Bureau, and the Major Felony Bureau before becoming Deputy Chief of the Special Investigations Bureau in 2010. In January 2012, District Attorney Doorley selected Mr. Schwartz as Chief of the newly restructured Special Investigations Bureau due to his extensive knowledge of both drug and gun prosecutions as well as his significant trial experience. In addition to his work at the District Attorney's Office, Mr. Schwartz has taught on a variety of subjects for the New York State Prosecutors Training Institute (NYPTI), and was recently recognized by the Federal Drug Enforcement Administration for his instrumental role in their investigations within Monroe County.



Matthew Schwartz performed his undergraduate studies at the State University of New York at Geneseo. He is a 2001 graduate of Albany Law School and has been admitted to practice law in both New York and Massachusetts.

People vs. Dennis Parker

In the Fall of 2011, Rochester Police received information that narcotics were being sold out of a home located at 117 Atlantic Avenue in the City. Acting on the tip, officers enlisted the help of a confidential informant who purchased drugs at the home, validating the information and giving officers the grounds to request a search warrant. In the early morning hours of November 21,



Dennis Parker's front door the morning of the raid

2011, officers of the *Greater Rochester Area Narcotics Enforcement Team* (GRANET) executed the warrant, and upon making entry, found Dennis Parker asleep with his girlfriend in one bedroom, and a very large quantity of cocaine, in both crack and powder form, in the other. The cocaine, which had a street value well in excess of \$10,000, was located in the *Dora the Explorer*-themed bedroom of Parker's 5 old year daughter, who, as luck would have it, was spending the night with a relative the morning of the raid. In addition to the drugs, equipment used to "cook" crack was located in the kitchen of the home, indicating that Parker was producing as well as selling crack cocaine in the residence. Parker, a convicted sex offender, was taken into custody and later indicted on 2 counts of Criminal Possession of a Controlled Substance in addition to other charges. He subsequently pled Not Guilty.

During his trial in September of 2012, the defense maintained that Parker, despite taking responsibility for the stash the day of his arrest, was unaware of the cocaine in the apartment. His girlfriend initially expressed interest in testifying that the cocaine actually belonged to her in order to spare Parker, somehow believing that she would not be charged with a crime. When it was explained to her that her testimony would result in her arrest and likely conviction on Felony drug charges, however, she recanted and declined to testify. In addition to Parker's unlikely denials, recordings of jail calls between Parker and his mother captured Parker describing in detail how the police "Got his stuff", including details about exact quantities and the location of the stash. One of his last statements to his despondent mother was, "It's no big deal, it's just drugs!"



The room where Parker's stash of cocaine was located

The case, which was prosecuted by Deputy Bureau Chief Robin Catalano, subsequently went to trial and on September 21, 2012, a jury found Dennis Parker Guilty of Criminal Possession of a Controlled Substance in the 2nd Degree. Days later, he was sentenced to 10 years in State prison as a Predicate Felon. Lieutenant John Ott, supervising Sargent of GRANET for several years, testified at trial that the raid of Parker's home was the most crack he'd ever seen at one time in his 20 year career in law enforcement.

People vs. Steven Sosa & Calvin Cylar



One of the many bags of cocaine found in Steven Sosa's Home, next to a "Say No To Drugs" bumper sticker

In the early months of 2012, a joint investigation between the Rochester Police Department and the Federal Drug Enforcement Administration resulted in the uncovering of a cocaine sale and trafficking ring operating in Monroe County. The investigation had begun in 2011 when undercover officers began making purchases of cocaine from a low level dealer in the city, resulting in a series of high-yield wiretaps. The careful monitoring of the dealer's communications over a 4 month period resulted in the cultivation of more wiretaps and the development of several new suspects, allowing investigators to discover the ring's methods and procedures.

On June 12, 2012, search warrants were executed on the homes of two men participating in the ring, 28 year old Steven Sosa and 30 year old Calvin Cylar. In the home of Sosa, located at 504 Hillside Avenue in Rochester, police found a large quantity of cocaine with a street value approaching \$40,000. In Cylar's home, police located a stash of over 4 oz. of cocaine (worth about \$18,000) in addition to \$68,000 in cash hidden in a secret compartment beneath a lamp in the living room. Both men were apprehended in their homes at the time of the raid without incident.

In the following weeks, Steven Sosa was indicted on charges of Criminal Possession of a Controlled Substance, an A Felony. He pled Guilty to the top count in the indictment and was sentenced to 8 years in prison, in addition to 5 years Post Release Supervision. Calvin Cylar similarly pled Guilty to Possession with Intent to Sell and was sentenced to 3 ½ years in prison. Bureau Chief Matthew Schwartz prosecuted the case for the People.

Sosa and Calvin are the first of several coming prosecutions stemming from the joint operation that lead to their arrest.



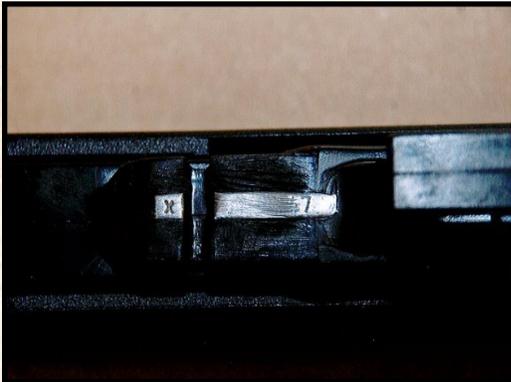
The secret compartment containing \$68,000 in cash.

People vs. Kenneth Boyd & James Torrance

In the Spring of 2012, the Special Investigations Division of the Rochester Police Department was conducting an investigation into 26 year old Kenneth Boyd, a known drug dealer who police suspected of involvement in numerous crimes in the city. On May 1st, police were staking out a house frequented by Boyd located at 109 Fairbanks Street in the City of Rochester after receiving a tip that Boyd and another individual were plotting to exact revenge upon a man who had recently shot one of their friends. During the surveillance, officers witnessed Boyd and another individual, James Torrance, 25, coming and going from the residence several times in brief duration. Satisfied that they were witnessing likely illegal activity, police obtained and executed a search warrant of the residence, where they uncovered three bags of cocaine, unused baggies, razor blades and a scale as well as a loaded, defaced handgun under a chair in the living room. Both men were taken into custody and charged with Criminal Possession of a Controlled Substance in addition to multiple counts of Criminal Possession of a Weapon and Criminal Using Drug Paraphernalia. The men would face trial in December 2012.



The handgun found under the chair in the livingroom



The defaced serial number on the handgun

Though seemingly simple, the case would prove complex for prosecutors to construct, with the house at 109 Fairbanks Street itself becoming a central character in the trial. It became difficult to establish who, if anyone, actually lived at the house, thus complicating the prosecutor's need to establish that the home's illicit contents were, in fact, the property of the defendants. Was the house simply a "hangout spot" frequented by Boyd and Torrance who were two men caught in the wrong place at the wrong time with someone else's stash? Or, as police and prosecutors believed, was it their base of operations for a mid-scale drug outlet?

On December 7, 2012, after a four day trial, the jury convicted Kenneth Boyd of all six counts contained within the indictment, while James Torrance was convicted of the drug related offenses only. Both men were sentenced to 10 years in state prison plus 5 years Post Release Supervision. Special Investigations Bureau veteran Lisa Gray prosecuted the case for the People.

PROJECT EXILE

Implemented in Monroe County in 1998, Project EXILE is a Federal program designed to shift prosecutions of illegal gun possession offenses to Federal Courts, where such crimes carry a mandatory minimum sentence under the Gun Control Act of 1968, rather than in State Courts, which have lesser penalties for such crimes. Project EXILE operates under the direction of the Project Exile Advisory Board, of which the Monroe County District Attorney's Office is a member, along with representatives from county, state, and Federal law enforcement agencies as well as businesses, clergy, and various other community stakeholders. Gary Mervis, the founder of Camp Good Days and Special Times, has served as Chairman of the Advisory Board since EXILE's founding and is recognized as being the driving force behind the program's creation and implementation in Monroe County. The Project Exile Advisory Board meets once per month to share information and improve communications among those who are waging the battles against illegal guns and gun violence in our community.

According to the most recent statistics from the Bureau of Alcohol, Tobacco & Firearms and the Rochester Police Department, over the past 14 years, the Project Exile has helped to remove more than 13,000 illegal guns from Monroe County Streets, and homicide rates, while fluctuating, have never reached the levels witnessed prior to Project Exile's implementation.



2011 & 2012 Firearm Prosecutions by the Monroe County District Attorney's Office NYS Penal Codes PL265.02, PL265.03, PL265.04

	2011	2012
Total Indictments	185	222
Waiver Pleas	29	49
Convictions at Trial	26	14
Pleas at Indictment	127	161
Pleas at Trial	2	2

Total Sentences	190	200
Average Sentence (months)	61	56

The Monroe County District Attorney's Office Economic Crime Bureau

The Economic Crime Bureau prosecutes cases of major fraud—generally defined as fraud involving amounts in excess of \$10,000—perpetrated against citizens, businesses, and organizations within Monroe County. These include felony level cases of identity theft, stolen and counterfeited checks, credit card and currency rings, insurance fraud, and welfare fraud, in addition to so called “white collar” crimes such as embezzlement or investment scams. Together with cases of fraud victimizing private persons and institutions, the Economic Crime Bureau also prosecutes cases of tax fraud and tax evasion through the grant-funded Crimes Against Revenue Program (CARP), designed to return stolen revenue to the State. In 2012, the Economic Crime Bureau prosecuted 248 felony cases on behalf of the people of Monroe County, maintaining an 89% conviction rate. Mark Monaghan, the Chief of the Economic Crime Bureau, oversees two specially trained prosecutors and reports directly to First Assistant District Attorney Kelly Wolford.



Bureau Chief Mark Monaghan

Mark Monaghan, Chief of the Economic Crime Bureau, has been a member of the Monroe County District Attorney's Office since 2002. Beginning his prosecutorial career in the Local Courts Bureau, Mr. Monaghan has served as an Assistant District Attorney in the Domestic Violence Bureau, DWI Bureau, and Non-Violent Felony Bureau, where he served as a Trial Assistant to the Economic Crime Bureau before becoming its Chief in January 2012. Prior to coming to the District Attorney's Office, Mr. Monaghan spent two years as a staff attorney with the Legal Aid Society of Rochester's Domestic Violence Program.

Born and raised in the Town of Greece, Mark Monaghan completed his undergraduate studies at SUNY Geneseo, where he majored in History and Political Science before attending Indiana University's Maurer School of Law, graduating in 1999.

People vs. David Alexander

On July 17, 2009, David M. Alexander, 60, was arrested and charged with five Felony counts of Repeated Failure to File Income Tax Returns with the State of New York. Alexander, a commercial real estate seminar instructor employed by the now-defunct training company Proven Methods LLC, collected over \$3.9 million in income between 2001 and 2007. Between 2001 and the date of his arrest, however, the defendant failed to file personal income tax returns with the state and took steps to avoid such payments. On November 21, 2012, David Alexander pled guilty to charges of tax evasion and was sentenced to 4 months of intermittent jail time and 5 years Probation, in addition to being required to pay the \$262,766 owed the state. The case was prosecuted by Mark Monaghan, Chief of the Economic Crime Bureau.



One of dozens of Warrants sent to David Alexander by the NYS Dept. of Taxation and Finance prior to being charged.

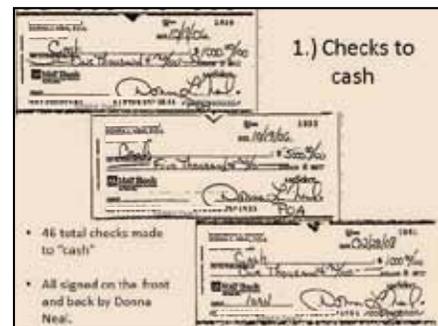
People vs. Donna Neal

In 2004, Donna Neal, a retired guard with the New York State Prison System, was entrusted to care for the finances of her elderly grandmother, a resident at a local nursing home. Over a period of 5 years, however, the grandmother's resources were exhausted, resulting in the need for Neal to apply to Medicare to fund her grandmother's continued residency at the nursing home. As part of the routine application process, Medicare conducted a cursory audit of the elderly woman's finances which revealed a series of peculiar withdrawals from her accounts. Medicare, concerned that the elderly patient may have fallen victim to fraud, forwarded its findings to the nursing home, who contacted authorities.

The subsequent investigation found that Neal had stolen over \$175,000 from her grandmother for her personal use, and in March of 2011, she was arrested on one count of Grand Larceny in the 2nd Degree.

During trial proceedings, it was revealed that Neal had used the money to pay for cosmetic surgery and to acquire a new vehicle in addition to other luxury purchases. Neal's defense contended that her grandmother had authorized her to use the money as a gift, but Economic Crime prosecutor James Egan was able to prove beyond a reasonable doubt that the money was used by Neal, without her grandmother's permission, for personal purchases during the 5 year period that the defendant solely controlled and monitored the accounts.

On March 30, 2012, Donna Neal was convicted of Grand Larceny in the Second Degree and was subsequently sentenced to 1-3 years in State prison, in addition to being required to pay full restitution.



An evidence slide showing 3 of Donna Neal's many checks written to herself for "Cash"



Carbons from some of the many retail sale certificate books used in the prosecution of Davidson.

People vs. Peter Davidson

In the 7 years between January, 2002 and February, 2009, the owner of the Advanced Auto car dealership on Lyell Avenue in Rochester, 54 year old Peter Davidson, failed to file quarterly tax returns with the State of New York, implying a record of zero sales for that period. Retail Certificates of Sale submitted to the New York State Department of Motor Vehicles, however, demonstrated that Advanced Auto had, in fact, done hundreds of thousands of dollars in sales during that same time period, causing authorities to further scrutinize

Davidson's sales records in 2012. What they uncovered was the theft of \$126,000 in sales tax revenue owed to New York State collected on over \$1.5 million in retail sales. Peter Davidson, who was prosecuted by Mark Monaghan, pled Guilty to Grand Larceny in the 2nd Degree. The case remains pending sentencing.

People vs. Andrew Daymon

In the summer of 2009, forty one year old Andrew Daymon, a Rochester Genesee Regional Transportation Authority (RGRTA) Transit System (RTS) bus driver, was driving a city bus when he was allegedly hit from behind by a fellow driver. Daymon, citing back pain, immediately filed a claim for Worker's Compensation Insurance and left employment at RGRTA with a rating of 100% disabled due to the accident. After collecting disability payments for many months, a supervisor at the RGRTA reviewed Daymon's case and noted that the defendant—who had indicated when filing his claim that he had been in perfect health prior to the accident—had in fact cited serious problems with his back on his original application for employment. The supervisor immediately suspected that Daymon was using the alleged bus collision as a means of collecting disability payments to which he was not entitled, and contacted authorities.

Following an investigation, charges were filed against Daymon including Insurance Fraud, Offering a False Instrument for Filing, and Falsifying Business Records. Following a brief trial, a jury determined that Daymon had indeed lied about his condition and found him guilty of several of the charges. Though Economic Crime prosecutor Matthew Tantillo sought jail time, the judge presiding over the case sentenced Andrew Daymon to 5 years probation, in addition to requiring him to pay back over \$11,000 in fraudulently obtained compensation payments.

The notice Daymon received terminating his payments when his fraud was discovered

People vs. Brenda Oathout

In mid-2009, a senior partner at a local investment company noticed something unusual about his personal finances. Though he could not immediately determine why, large sums of money appeared to be missing from his substantial personal accounts. An independent audit, ordered by the individual, soon revealed the problem; his long time Administrative Assistant, Brenda Oathout, 59, had been using her position of trust to embezzle vast sums of money from her employer. All told, Oathout had stolen in excess of \$2.5 million dollars in just 18 months by forging bank transfer orders from her boss's various accounts into her own. Shortly after authorities were alerted of the audit results, the Monroe County Sheriff's Office conducted undercover surveillance of a meeting between Oathout and her employer, during which she confessed to the crime. At the conclusion of the meeting, she was taken into custody by Monroe County Sheriff's Deputies. Bureau Chief Mark Monaghan prosecuted the case for the People.

Faced with overwhelming evidence of her guilt, Brenda Oathout pled guilty to Grand Larceny in the 1st Degree and Criminal Possession of a Forged Instrument and was sentenced to 2-6 years in state prison in addition to having to pay over \$2.5 million in restitution to her victim.

A statement from one of Oathout's many credit cards detailing purchases and cash advance payments during the period that she was defrauding her employer

THE NEW YORK STATE CRIMES AGAINST REVENUE PROGRAM

No one enjoys paying taxes, but without them, the institutions and infrastructure that we rely on each day would not be possible. Though we pay our taxes to the State, in reality, we are paying them to our neighbors, to our children, and to ourselves, and as citizens, we share the responsibility to at least attempt to meet our obligations under the law. Unfortunately, some among us would like to make their taxes your problem. Make no mistake—when someone embezzles sales tax revenue or deliberately evades paying their taxes, they are shifting their tax burden onto others and are stealing from everyone in the State. Like any theft, tax evasion is a crime.

The New York State Crimes Against Revenue Program (CARP) is a grant funded program designed to hold accountable those who deliberately fail to pay tax obligations, as well as those who commit Medicaid, welfare, unemployment and workers' compensation fraud. Administered by the NYS Division of Criminal Justice Services and introduced in Monroe County in 2005, the program provides grants to District Attorney's offices across the state giving them the personnel they need to adequately investigate and prosecute such cases. All taxes, such as excise, sales, and income tax, are subject to CARP activities, with criminal investigations focusing on individuals, corporations and industries alike. Such investigations, which are designed to return tax revenue to the State of New York, often uncover complex financial fraud and tax evasion schemes encompassing major criminal enterprises.

CARP is a self-sustaining program, supported with the proceeds realized from investigations resulting in tax revenues, fines and restitution that are returned to the State. The program funds related prosecutorial and investigative activities in district attorneys' offices within the 22 counties that routinely report New York's highest income tax revenues, including Monroe County. In the first 6 years of the program's operation, the state invested approximately \$26.7 million, resulting in \$84.2 million in recovered revenue—a 315% return to taxpayers.

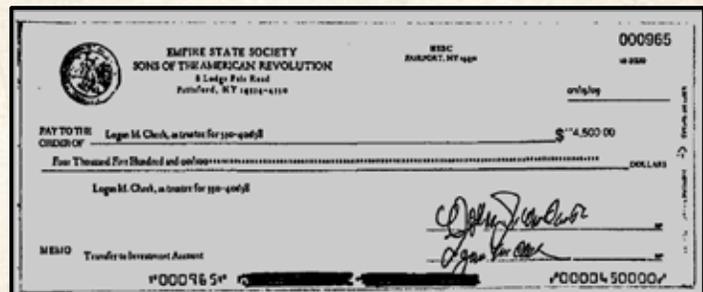
In 2012, the Monroe County District Attorney's Office received \$206,600 in CARP funding, which was used to offset a portion of the salaries of those working on CARP related cases in the Economic Crime Bureau, as well as one Criminal Law Assistant. In 2012, the Economic Crimes Bureau of the Monroe County District Attorney's Office recovered nearly \$500,000 in revenue on behalf of taxpayers, including \$137,724 in restitution to the New York State Department of Labor for fraudulent Worker's Compensation claims. Since the program's introduction, CARP has given the District Attorney's Office the ability to recover over \$2.7 million, making Monroe County among the most successful in the State.

C. A. R. P.

People vs. Logan Cheek

In April of 2010, Bill Woodward, the President of the non-profit civic group Empire State Society of the Sons of the American Revolution, conducted a routine internal audit on the organization's funds. What he discovered was alarming. The organization's Treasurer, a venture capitalist named Logan Cheek, 70, had opened several checking accounts into which the group's funds were being dispersed. When the confusing network of accounts were totaled, the sum was tens of thousands less than would have been expected based on balance sheets. In addition, 16 canceled checks were discovered bearing Woodward's signature—checks he had never seen nor authorized—many made out to Logan Cheek. By the conclusion of the audit, Woodward was satisfied that he had uncovered a large scale fraud by Cheek, revealing forgeries, falsified paperwork, and suspicious transfers of funds dating back to 2008 and totaling nearly \$60,000.

When confronted with the findings, Cheek responded by writing a letter to the members of the group's Executive Committee seeking to strike a bargain; he would pay back all of the money he had embezzled from the organization plus an additional \$25,000 if they would agree not to pursue criminal charges and concede that the incident was simply a misunderstanding. Cheek's offer to the committee was illegal and only added to the charges facing the former Treasurer, which included Identity Theft, Falsifying Business Records, and Grand Larceny.

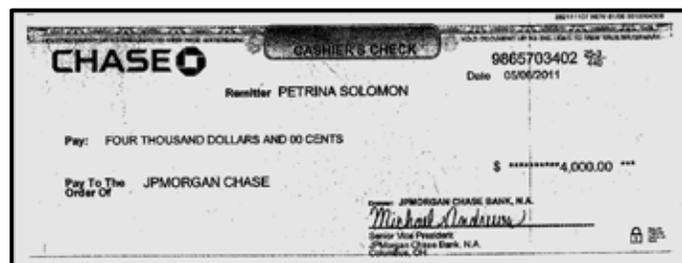


One of many forged checks--this one for \$4500--that Logan Cheek made out to himself from the accounts of the Sons of the American Revolution

In February 2012, Logan Cheek pled guilty to Grand Larceny in the 2nd Degree and on May 14, 2012 was sentenced to 16 weekends in jail and 5 years probation. As a condition of his plea, he was ordered to repay all of the stolen money. Veteran Economic Crime prosecutor James Egan prosecuted the case for the People.

People vs. Petrina Jones (a.k.a. Petrina Solomon)

In the summer of 2011, Petrina Solomon was hired to work in the payroll department of a large company with offices located in Rochester. Some time later, it was brought to the attention of managers that corporate payments for luxury boxes at a local sporting complex that the company managed had come up missing. Alarmed by the development, a forensic audit was ordered which uncovered not only the missing payments, but a trail of fraudulent payroll checks as well, totaling thousands of dollars. In the end, it had been Petrina Solomon, the new hire in the payroll department, who was, in fact, Petrina Jones, a career criminal with six prior felony convictions for fraud and forgery-related crimes.



One of the many cashier's checks that Petrina Jones—a.k.a. Petrina Solomon—made out to herself

In the end, Jones had stolen the identities of over 40 of her co-workers and had embezzled nearly \$20,000. She pled guilty to two counts of Identity Theft in the 1st Degree and was sentenced to 7-14 years in prison as a Predicate Felon. The case was prosecuted by Economic Crime Bureau Chief Mark Monaghan.

People vs. Keith Carter

In November of 2011, an epidemic of credit card thefts was sweeping across Western New York, with many dozens of cards coming up missing from college campuses, professional buildings, and hospitals in the Syracuse, Rochester, and Buffalo areas. The thefts, which appeared to be carried out by more than one person, resulted in thousands of dollars in fraudulent charges, primarily at department stores and retail outlets.

Finally, an arrest was made when an 18 year old woman attempted to use a stolen credit card at a retailer in Rochester. When she was subsequently interviewed by police, the woman not only admitted her role in the scheme, but identified her accomplices and their methods as well. The group, which was led by a 29 year old convicted felon named Keith Carter, would travel along the NYS Thruway and identify large public buildings, such as hospitals, that they could enter without raising suspicion. They would then set about looking for offices and coatrooms in search of unattended personal belongings where they could locate credit cards. Once obtained, Carter and his accomplices would drive to malls or other shopping venues and make purchases using the cards, checking the card's status using a specialized 1-800 number to determine when they were reported stolen. Once reported, they would dispose of the cards and move onto the next target. In addition to carrying out the larcenies himself, Carter would recruit others to help in the scheme.



Keith Carter's interview following his arrest, when the scale of the theft ring was revealed

Once identified, Carter, who was on Parole during the crime spree, was taken into custody by police. Confronted with the testimony of his accomplices and hours of video surveillance footage of him making purchases with stolen credit cards, Keith Carter pled guilty to two counts of Identity Theft in the 1st Degree, and was sentenced to 7-14 years in state prison. The woman who identified Carter, along with the other accomplices involved in the theft ring, were charged with various offenses and sentenced to prison time as well. The case was prosecuted for the People by veteran Economic Crime prosecutor James Egan.



The Monroe County District Attorney's Office Appeals Bureau

The Appeals Bureau handles all criminal appeals and motions for post-conviction relief, and assists prosecutors assigned to other bureaus. The Appeals Bureau also handles all fugitive matters, extradition cases, Federal Habeas Corpus requests, and Freedom of Information Act inquiries submitted to the District Attorney's Office through the County. In addition to these core functions, the Appeals Bureau is also responsible for bringing actions against judges for exceeding their authority. Prosecutors assigned to this bureau argue cases before all appellate courts, including the US Supreme Court, and are recognized as being among the most experienced and knowledgeable attorneys with regard the complexities of criminal practice. In 2012, the Appeals Bureau had hundreds of convictions affirmed by various appellate courts, including 18 homicide convictions. Stephen X. O'Brien, the Chief of the Appeals Bureau, oversees six specialized prosecutors and reports directly to First Assistant District Attorney Kelly Wolford. Geoff Kaeuper serves as Deputy Chief of the bureau.

Bureau Chief Stephen X. O'Brien

Stephen O'Brien, Chief of the Appeals Bureau, has been a member of the Monroe County District Attorney's Office since 2001 and has served in the Appeals Bureau for the duration of that time, first as an Assistant District Attorney, and then as Deputy Bureau Chief. In January, 2012, Mr. O'Brien was appointed Chief of the Appeals Bureau by newly-elected District Attorney Sandra Doorley based on his comprehensive understanding of appellate law and his many years of experience successfully defending the People's hard-won convictions.



A native of Rochester, Stephen O'Brien is a veteran of the United States Air Force and worked for a number of years as a prosecutor in East St. Louis, Illinois and as private sector litigator before returning to public service at the Monroe County District Attorney's Office. O'Brien has been a member of the adjunct faculties of St. John Fisher College and SUNY Geneseo. He completed his undergraduate studies at SUNY Brockport and later graduated with honors from St. Louis University School of Law.

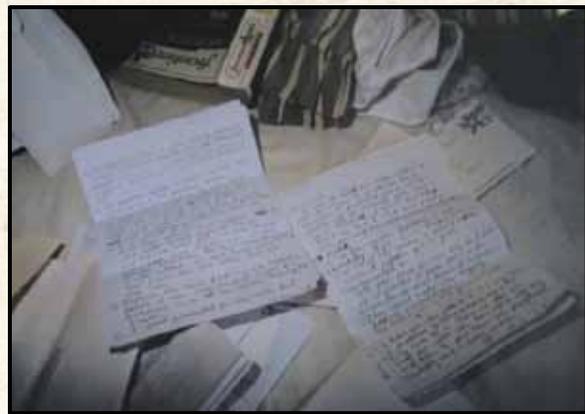
People vs. Victor A. Deponceau (Defendant-Appellant)

In 2005, Frank Povoski set off on a crime spree that would end in his arrest and indictment on a number of serious charges, including arson for covering four Webster, NY police cruisers with gasoline and setting them ablaze. Povoski's two accomplices in the crimes, who agreed to testify against him in exchange for lighter sentences, would seal Povoski's fate—something that he could not allow. While incarcerated, Povoski, with the help of his girlfriend on the outside, enlisted the services of Victor A. Deponceau to kill the two accomplices, thereby denying prosecutors their testimony. Unfortunately for Povoski, authorities had become aware of the plot through jailhouse informants, and after obtaining eavesdropping warrants, listened in on conversations between Povoski, his girlfriend, and Victor Deponceau which exposed the details of the arrangement. On February 2, 2006, Deponceau was arrested and charged with several counts of Conspiracy in the 2nd and 5th Degrees. With his plot to murder his accomplices foiled and little hope of being acquitted, Frank Povoski pled Guilty to the ever-growing list of top counts in his indictments, resulting in a sentence of up to 18 years in prison.

Victor Deponceau, however, would not react with such deference to his situation. In the months leading up to his trial, Deponceau dismissed no fewer than three separate attorneys, resulting in serious delays. When Deponceau's submission to replace his fourth attorney without cause was denied by the court, the defendant insisted on proceeding pro-se (the term used to describe the situation when a defendant exercises his right to represent himself rather than by legal counsel), rather than retain his latest attorney. While recognizing his right to represent himself, both the court and prosecutors cautioned Deponceau repeatedly, both verbally and in writing, that pro se representation was not advisable and recommended in the strongest terms that he should reconsider his request. Despite myriad warnings, Deponceau insisted on proceeding without counsel, and on February 4, 2008, his trial finally commenced. After four days of testimony, including testimony from Frank Povoski's girlfriend, the defendant was convicted and sentenced to several consecutive sentences, totaling 20 to 40 years in prison.

True to form, however, Victor Deponceau wasn't going to go quietly.

Months after his conviction at trial, Deponceau filed a motion to appeal his conviction on the grounds that he had been denied the right to counsel and that the consecutive sentences that he had received were illegally administered by the court. Despite the many warnings, Deponceau claimed that he did not understand the risks inherent with pro se representation, and that he could not be given consecutive sentences for different counts stemming from the same incident. For the next two years, prosecutors from the Monroe County District Attorneys Office Appeals Bureau would argue before the New York State Supreme Court, Appellate Division, Fourth Department, that Deponceau—who now had an attorney—fully understood the risk that he was taking when



Letters written from jail by Frank Povoski to his girlfriend, discussing their arrangement with "V", later determined to be Victor Deponceau.

he waived his right to counsel, citing significant case law to support their contention. They further argued that the Monroe County Supreme Court which handed down Deponceau's original sentence acted appropriately, developing carefully researched arguments to defend the judge's actions three years prior.

On June 8, 2012, after hearing oral arguments from both sides, the Appellate Court determined that Deponceau's case was without merit, and unanimously affirmed the lower court's ruling.

Excerpts from the 3 page decision include:

Defendant contends that County Court erred in allowing him to proceed pro se at trial because his waiver of the right to counsel was not unequivocal, voluntary and intelligent. We reject that contention. Throughout these proceedings, defendant had four separate attorneys assigned to represent him. He was not satisfied with any of them and sought to have each replaced. The court properly denied defendant's request to appoint a fifth attorney inasmuch as defendant did not present good cause for a substitution of counsel (*see People v. Medina, People v. Sides*). When faced with the denial of his request, defendant, "who was not totally unfamiliar with criminal procedure, so determinedly and so unequivocally insisted on rejecting counsel and proceeding [pro se], the court had no recourse but to permit him to do so"

We reject defendant's further contention that the court's imposition of consecutive sentences of an indeterminate term of incarceration of 10 to 20 years on each count of conspiracy in the second degree was illegal. "Sentences imposed for two or more offenses may not run consecutively: (1) where a single act constitutes two offenses, or (2) where a single act constitutes one of the offenses and a material element of the other.

Where, as here, a defendant agrees to commit or to cause the commission of two separate and distinct class A felonies, i.e., the murder of two individuals, there are in fact two separate and distinct agreements, even if the same overt act is committed in furtherance of each. Thus, we conclude that the acts committed by defendant, i.e., the separate and distinct agreements, were separate and distinct acts.

We conclude that the People satisfied their obligation of showing that concurrent sentences are not required.

It is hereby ORDERED that the judgment so appealed from is unanimously affirmed.

Victor A. Deponceau remains in the custody of the New York State Department of Corrections, where he will serve out his 20 to 40 year sentence. The New York State Court of Appeals, the highest appeals court in New York State, declined to hear Deponceau's case, ending his opportunities to appeal at the State level.

A Culture of Fear: Prosecuting in the Age of “No Snitching”

On the evening of June 26, 2011, eighteen year old Calvin Reid was standing in a large group of people on Hudson Avenue in Rochester when 20 year old Devonte Moorner approached him and without warning, plunged a knife into Reid’s abdomen. Gravely wounded, Reid stumbled and fell to the ground. He would die at the scene. The fatal incident that played out that evening was witnessed by over a dozen people, many of whom were standing in Reid’s immediate proximity at the time of the attack. When questioned by police, however, no one had seen anything, with many claiming to have never been there at all. The astonishing inability of the many eye witnesses to recall even the slightest details of the events of that evening might have been enough to allow Devonte Moorner to get away with murder were it not for the fact that, by sheer chance, the assault was captured by a nearby convenience store security camera. Limited physical evidence including the video and hard work by a skilled prosecutor resulted in Moorner’s conviction and 23½ year sentence. Throughout the proceedings, dozens of witnesses maintained their claims of ignorance despite footage which showed them watching the crime as it unfolded. In the end, no motive was ever established.

The case of Devonte Moorner is a rare success story in the “no snitching” culture which today pervades many of Rochester’s inner city neighborhoods. Regrettably, many similar crimes including robbery, burglary, assault, and murder never result in an arrest because law enforcement’s traditional partners—those in the community where crimes occur—refuse to cooperate with authorities. Even in instances when an investigation does result in an arrest, prosecutors are often thwarted by witnesses’ persistent refusal to identify suspects or corroborate events, acts which can undermine even the best physical evidence in the eyes of a jury. This culture of “no snitching” has created an environment that has allowed criminals to thrive, perpetrating acts of incredible violence on members of the community in the light of day without fear of interference or repercussions. Even the victims themselves frequently refuse to cooperate, insisting that they didn’t see who shot them, for example, despite reports of the same victim engaging in a verbal exchange with the perpetrator prior to being assaulted.



District Attorney Investigator Joe Dominick speaks at a press conference about the problems confronting law enforcement due to the culture of "No Snitching"

The epidemic of “no snitching” is driven by several related factors. Often, witnesses’ fear community sanctions or acts of vengeance by the perpetrators of crimes or their associates. Other times, silence can be motivated by a desire to deal with the crime through vigilante justice rather than the traditional criminal justice system from which many inhabitants of poor neighborhoods feel alienated. The most troubling influence, however, is the belief that members of law enforcement, rather than the individuals committing acts of violence on the streets, are the true enemy. In this way, remaining silent in the face of crime is regarded as an act of solidarity with the community rather than an act of collaboration with criminals. Regardless of the reasons, the culture of “no snitching” has undoubtedly led to a decrease in arrests and prosecutions in recent years, compounding the challenges faced by police and increasing acts of violence in the community.

In an effort to combat this growing trend, the Monroe County District Attorney’s Office and its partners in law enforcement have been making strides to re-engage with the community and to reinforce the traditional incentives that citizens once shared to cooperate with police. Project TIPS, which brings dozens of law enforcement and service organizations into inner city neighborhoods for an afternoon during the summer, seeks to reestablish the vital connection between authorities and the inhabitants of crime-ridden areas, educating residents on programs to ensure their safety and to demonstrate that police, rather than being the enemy, are there to help. In addition to programs like Project TIPS, the DA’s Office and the Rochester Police Department work within schools to teach children early about the importance of law enforcement in their lives and strive to ensure that those children they reach enter adulthood with positive experiences with police and prosecutors. Through these and other programs, the District Attorney’s Office will continue to work to improve communication, cooperation, and trust with the inner city populations that it serves in an effort to eradicate the culture of “no snitching” and return a sense of safety and pride to those communities now plagued by violence.



The Monroe County District Attorney's Office Local Courts Bureau

The Local Courts Bureau prosecutes all misdemeanor and violation-level offenses in city court, as well as in the 22 courts located throughout the towns and villages of Monroe County. Prosecutors assigned to this bureau staff seven City Court “Parts”, as well as Drug, Integrated Domestic Violence, and Mental Health Courts. In addition to these duties, those assigned to town and village courts are responsible for traffic related matters. In 2012, the Local Courts Bureau prosecuted 18,281 cases—not including traffic court violations—on behalf of the citizens of Monroe County, maintaining a 97% conviction rate. Due to the number of courts and tremendous volume of cases, the Local Courts Bureau is assigned the largest number of attorney staff of the twelve bureaus comprising the District Attorney's Office. Bureau Chief Ann Chase oversees 18 prosecutors and reports directly to Second Assistant District Attorney Timothy Prosperi. Caroline Morrison serves as Deputy Chief of the bureau.

Bureau Chief Ann Chase

Ann Chase, Chief of the Local Courts Bureau, has been a member of the Monroe County District Attorney's Office since 1988. Since that time, Ms. Chase has been assigned to the Non-Violent Felony Bureau, Local Courts Bureau, and the Special Investigations Bureau, serving as Deputy Chief of both Special Investigations and Local Courts before being appointed Chief of the Local Courts Bureau in 2009. During her 25 year career, Ms. Chase has prosecuted hundreds of felony cases, including numerous homicide cases.

A native of Penfield, NY, Ms. Chase has worked as a law clerk for the United States Magistrate for the Western District of Arkansas, the Social Security Administration in Buffalo, and Hiscock Legal Aide Society in Syracuse before coming to the Monroe County District Attorney's Office.



In addition to her work as a prosecutor, Ms. Chase is involved in several civic and community organizations including the Domestic Violence Consortium, Partners in Restorative Initiatives (PIRI), Organized Retail Theft, and the Boys & Girls Club of Rochester.

Ann Chase is a graduate of Penfield High School, performing her undergraduate studies at St. John Fisher College before graduating with honors from the University of Arkansas Law School.

Specialized Courts

In addition to the local and Superior Courts, Monroe County administers several other specialized courts designed to address specific types of offenders and to dispose cases in a manner that better serves the community by reducing incidences of recidivism. These courts can offer offenders alternatives to jail time, or reduced jail time, if they agree to certain conditions, often involving treatment or therapy for the problem that leads them to criminal behaviors. In this way, the criminal justice system is able to address the root causes of crime rather than simply focusing on punishing offenders, which places tremendous financial burdens on taxpayers while doing nothing to deter undesirable behavior in those with drug or mental health related difficulties.

Drug Treatment Court

This innovative program, designed to provide long-term assistance to offenders while at the same time reducing rates of recidivism, requires participants to successfully complete an extensive drug and/or alcohol treatment and rehabilitation program, obtain a diploma from high school or GED, and secure employment or enroll as a full time student. One alternative sentence, called Road to Recovery, is a treatment program funded by a state grant and administered through the drug treatment court as an alternative to a state prison sentence. The National Drug Court Institute has documented the positive impact the program has had in Monroe County at recidivism rates. Suitable cases which the District Attorney's Office might consent to being transferred to this court include some misdemeanors, certain non-violent felonies, and violations of probation. Domestic violence, sex crimes, drug sales, or violent felony offenders are excluded from consideration for this specialized court. In 2012, three hundred thirty seven defendants entered Drug Treatment Court in Monroe County—the first county in the State of New York to implement a Drug Treatment Court.

Mental Health Court

Across New York State and the nation, the criminal justice system and the jails are increasingly becoming the repository of those with mental illness. The mission of the Monroe County Mental Health Court is to improve public safety, modify court procedures as to the treatment if the mentally ill, and to address the long-term needs of this population. The District Attorney's Office works closely with the Departments of Probation and Social Services agencies to identify appropriate candidates for the court, facilitate the creation of individualized treatment plans, and monitor the defendant's compliance with the plan. The goal is to be more compassionate and effective regarding the specific problems posed by defendants with mental illness who have committed crimes while at the same time reducing recidivism, improving public health, and saving significant tax dollars over the cost of traditional incarceration. In 2012, one hundred four defendants entered Mental Health Court.

Integrated Domestic Violence Court

The Integrated Domestic Violence Court is intended to consolidate criminal domestic violence cases, criminal cases related to Family Court cases involving the same individuals, and divorce-related Supreme Court matters into a single case before one judge. In the past, victims had to face several judges in up to four different court rooms to have their criminal, family and matrimonial matters resolved. Integrated Domestic Violence Courts seek to impose a “one family—one judge” model able to respond to the unique nature of domestic violence with a single judge handling all criminal domestic violence matters along with related family issues including custody, visitation, and civil protection orders.

All of the cases are adjudicated jointly in order to facilitate resolution of multiple related and/or unrelated issues between one family by a single judge. In this way, the court is better able to monitor compliance with court orders and program mandates while giving victims a greater voice in their often complex cases.

Veterans Court

The growth of the United States Military and the overseas conflicts that it has engaged in over the last decade have produced many thousands of returning veterans to communities across New York State. Military veterans, particularly those who have experienced combat, however, face unique challenges in their lives that sometimes lead to their entry into the criminal justice system. Recognizing these unique challenges, the Monroe County Veterans Treatment Court was established in 2009 in an effort to address the underlying problems leading to a defendant’s behavior and to get them the help that they need to successfully reintegrate into civilian life.

Similar to drug treatment and mental health treatment courts, the Veterans Court utilizes a team-centered approach in an effort to provide immediate and intensive intervention to address the needs of veterans who have committed non-violent misdemeanor and felony offenses. This approach involves the cooperation and collaboration of traditional drug treatment and mental health providers with the addition of representatives from The United States Department of Veterans Affairs, the Veterans Outreach Center, in addition to other veterans support organizations and peer mentors. By virtue of their military experience, peer mentors provide veteran-defendants with a unique source of support and motivation as they navigate through the court process. Similar in some ways to drug court and mental health court, defendants entering Veterans Treatment Court are given a chance to complete programs and counseling to overcome their issues as an alternative to disposition in the regular court system or jail time. In addition to traditional services, the court, similar to drug treatment and mental health treatment courts, will help with vocational skills so veterans are fully employed when they leave the court.

In 2012, fifty defendants entered Veterans Court. Like other alternative courts, failure to successfully meet benchmarks and complete the program requirements can result in the reinstatement of the original charges and sentences.

The Monroe County District Attorney's Office Grand Jury Bureau

The Grand Jury Bureau is responsible for empanelling Monroe County's two full time Grand Juries and for scheduling all cases that are presented to the Grand Jury for indictment. The Chief of the Grand Jury Bureau advises prosecutors on presentation procedures and techniques designed to increase felony indictments and works closely with the Office of the Commissioner of Jurors to ensure the smooth operation of the empaneled Grand Juries during the year's many court terms. In addition to these duties, the Bureau Chief personally presents hundreds of cases to Grand Juries each year. In 2012, the two seated Grand Juries in Monroe County handed down 1173 felony indictments, in addition to 87 "prosecutor informations," which accuse the subject of a lesser offense. Michelle Crowley, Chief of the Grand Jury Bureau, oversees and coordinates the work of four full time and two part time Grand Jury stenographers and two clerks who provide support to the Assistant District Attorneys presenting cases for indictment. The Chief of the Grand Jury Bureau reports directly to Second Assistant District Attorney Timothy Prosperi.

Bureau Chief Michelle Crowley

Michelle Crowley, Chief of the Grand Jury Bureau, returned to the Monroe County District Attorney's Office in 2012 after serving in the Ontario County District Attorney's Office.

Crowley began her career as a prosecutor in Orange County where she was the head of the Domestic Violence Unit before moving to Monroe County in 2002, becoming one of the Major Felony Bureau's top prosecutors. In her 15 year career, Ms. Crowley has prosecuted hundreds of violent felony cases, including homicides.



Crowley, who's official title is *Director of Attorney Training and Grand Jury*, is responsible for ensuring that prosecutors working within the office comply with the continuing legal education requirement mandated by the State of New York for all practicing attorneys. In this role, Crowley works with Assistant District Attorneys both individually and in groups providing comprehensive and consistent training in an effort to leave them in the best position possible to obtain convictions and ensure the safety of the community.

A native of Elmira, New York, Ms. Crowley performed her undergraduate studies at Ithaca College and completed her Juris Doctorate at the Albany School of Law.

The Grand Jury Process

Each year in Monroe County, over 5000 defendants face felony charges for a variety of crimes ranging from falsifying business records to intentional murder, with many eventually going to trial. Before such a trial can occur, however, a group of citizens must review the charges being brought against the defendant to ensure that they are both appropriate and are supported by available evidence. This group of citizens, called a Grand Jury, is empowered to sustain the charges suggested by prosecutors by returning an indictment, or to dismiss the charges all together. Approximately half of the states in the U.S. employ grand juries and twenty-two require their use, including New York State.

Dictated by Article 190 of the New York State Criminal Procedure Law, a Grand Jury consists of no less than 16 jurors and no more than 23. Grand jurors are drawn from the same pool of potential jurors as trial juries and are seated in a procedure called empaneling.

The prosecutor acts as the legal advisor to the Grand Jury, presenting evidence and witness testimony for the Grand Jury's review. Grand Jury proceedings, however, differ from traditional trial proceedings in several important ways. First, there is no judge or defendant present at Grand Jury proceedings. Instead, the prosecutor, who drafts the charges and reads them to the Grand Jury, presents evidence and questions witnesses to demonstrate the appropriateness of the charges. At the conclusion of the presentation of evidence and witness testimony, the Grand Jury can vote to indict, meaning to charge the defendant with a crime, or "no bill", meaning not to charge, in which event the case is permanently sealed and the charges are dismissed. A Grand Jury does not decide whether the subject of an investigation is guilty or innocent, only if there is sufficient evidence to support the charges. Unlike a trial, the burden of proof for prosecutors in Grand Jury proceedings is "reasonable cause to believe" that an individual committed a crime, as opposed to the burden of "proof beyond a reasonable doubt" which guides trial juries. In addition to voting to indict or dismiss a case, the Grand Jury may also direct the prosecutor to file an "information" accusing the subject of a lesser offense, and refer a matter to a lower court.

Confidentiality is an important aspect of Grand Jury proceedings as well. Each grand juror and the prosecutor is sworn to secrecy, ensuring that the Grand Jury is able to deliberate free of outside pressure and that those possessing information about a crime are able to speak freely. The confidentiality of the Grand Jury process also protects those who the Grand Jury determines have not committed a crime from public disclosure of the fact that he or she was being investigated.

Each year, the Monroe County District Attorney's Office Grand Jury Bureau empanels 24 Grand Juries, for terms lasting up to 30 days. During their empanelment, a single Grand Jury can hear up to 200 cases.

The Monroe County District Attorney's Office Victim Witness Bureau

Each year, thousands of people become victims of crimes, and for many, the sometimes confusing nature of the criminal justice system, coupled with the physical, emotional, and financial trauma resulting from their victimization, can be devastating. The Victim Witness Bureau assists victims and witnesses of serious crimes by helping them cope with the demands of the criminal justice system after what is often a frightening and life-altering event. In addition to promoting the rights of victims throughout the process and assisting victims in understanding those rights, the Victim Witness Bureau makes referrals to counseling, helps arrange transportation for court proceedings, provides interpreters, assists in preparation of victim impact statements, files parole notifications, and makes referrals for financial and support assistance from the NYS Office of Victim Services. Members of the bureau meet with witnesses, victims and their families on a regular basis and frequently accompany them to and from court proceedings, explaining the process and keeping victims and their families cognizant of events relating to their case. The Victim Witness Bureau also works closely with the District Attorney's Office and Probation to obtain court orders for the restitution of losses.

Victim Witness Advocates employed by the bureau maintain close relationships with local and regional service providers and attend training offered by various criminal justice and human services agencies and well as review current materials relevant to victim assistance. Members of the Victim Witness Bureau also regularly promote community education through speaking engagements and by distributing literature at events. In 2012, the Victim Witness Bureau provided support and services to 1062 victims involving hundreds of cases, many of which remain ongoing.

Carrie Noble, Chief of the Victim Witness Bureau, oversees and coordinates the work of five full time victim advocates and keeps the District Attorney informed of all matters relating to victims in criminal cases. The Chief of the Victim Witness Bureau reports directly to District Attorney Sandra Doorley, who upon taking office in January 2012, made reorienting the District Attorney's Office toward victim advocacy and support a top priority. The Victim Witness Bureau is a grant funded program, receiving annual funding from the NYS Office of Victim Services.

Bureau Chief Carrie Noble

Carrie Noble, Chief of the Victim Witness Bureau, joined the Monroe County District Attorney's Office in 1996 as a Senior Victim Advocate before accepting the role of Bureau Chief in 2004. Prior to coming to the District Attorney's Office, Ms. Noble served for nearly a decade in both Child Support Enforcement and in Child Protective Services in Monroe County.



A native of Westchester, Carrie Noble moved to Monroe County as a child, graduating from Brighton High School before attending the State University of New York at Brockport, where she majored in Social Work. In addition to her daily work on behalf of crime victims, Ms. Noble is a member of both the Monroe County/Rochester and Western NY Coalition for Crime Victims and is active with Girl Scouts of Western New York.

Quotes from those Served by the Victim Witness Bureau

"Being completely unaware of the process and proceedings, we really needed your help to understand what to expect, and what was expected of us. Victims of economic crime don't need the same level of support as victims of violent crimes, but it was a great comfort to have someone there to help us. I'm sure the court also benefits greatly by having you there to keep things moving smoothly. Thank you for your caring and good counsel."
- victim of economic crime"

" Thank you for always being there for our family. Taking our phone calls, explaining everything. Your kindness and understanding no matter what we asked you. It takes a special person to do this kind of job. You are truly that special person." -Family member of a homicide victim

"You've been like a blanket that kept my family and I warm, and we appreciate a person like you. You're in the right business ." - Family of a homicide victim

"WE HAD NO IDEA THAT SUCH A POSITION AS YOURS EVEN EXISTED, BUT NOW THAT WE DO, IT IS CLEAR THAT YOU ARE VERY GOOD AT YOUR ROLE. IT MUST BE A DIFFICULT ROLE ON THE BEST OF DAYS. THANKS TO YOU, WE WERE ABLE TO UNDERSTAND THE LEGAL PROCESS (AS MUCH AS POSSIBLE) AND GET ADVICE THROUGHOUT THE PROCESS WITH AN UNDERSTANDING SMILE ALL ALONG. WITHOUT YOU, I THINK WE WOULD HAVE FELT MUCH MORE DISTANT (EVEN LOST) TO THE PROCESS." - FRIENDS OF A HOMICIDE VICTIM

"Thank you for your kindness and understanding during a very difficult time. You work in a very different world. 'J' and I appreciated your phone calls to keep us informed and help in understanding the legal process. We are glad to know there are people like you, who are there when people need them." - Friend of a homicide victim

"Thank you for your assistance and support as we made our way through the Monroe County Court System, as the victims of a very drunk driver. You provide an extremely valuable service for those of us that have become victims of people who have no care or concern for anyone but themselves. You answered all our questions, you led us step by step through the legal process and we are very much appreciative." -Family of a DWI victim

" I would like to take this time to thank you for all of your support throughout my whole ordeal. I had no clue what was going to be facing me in this past year. You were right there to guide me from day one. " -Victim of a sexual assault

The Monroe County District Attorney's Office District Attorney Investigators

The District Attorney Investigators Bureau is composed of thirteen designated, sworn police officers tasked with conducting critical investigative work designed to supplement and enhance the prosecutorial efforts of the District Attorney's Office. These investigative tasks include but are not limited to witness cultivation, witness location and interviewing, enhanced crime scene analysis, subpoenas, Material Witness Arrest Orders, and witness protection and relocation. In addition to these key functions, District Attorney Investigators conduct sealed investigations under the direction of the District Attorney, including cold-case, Official Misconduct and Public Corruption investigations. District Attorney Investigators provide support services to every bureau within the office.

In 2012, District Attorney Investigators served 20,801 subpoenas, conducted 23,316 interviews, located 1,607 missing witnesses, provided 1,884 witness transports and worked on 31 Material Witness Arrest Orders.

Mark Kelley, Chief Investigator, oversees and coordinates the work of all Investigator staff and reports directly to District Attorney Sandra Doorley. Members of the District Attorney Investigators Bureau are seasoned law enforcement professionals with no less than 20 years of experience in various police agencies.

Chief Investigator Mark Kelley

Chief Investigator Mark Kelley has been a member of the Monroe County District Attorney's Office since 1978, serving in numerous Investigator positions before being named Chief Investigator in 1992. A career employee of the DAs Office, Mr. Kelley has served as the Child Abuse Coordinator, District Attorney polygraphist, and DA Investigator assigned to the Economic Crimes and Major Felony Bureau before assuming the role of Chief.



Originally from Maine, Mark Kelley came to Monroe County at a very young age, settling with his family in Pittsford. Kelley graduated from Pittsford Sutherland High School before attending the Rochester Institute of Technology, where he majored in Criminal Justice. In addition to his collegiate education, Mr. Kelley is a graduate of the Monroe County Public Safety Police Academy, Polygraph School, and has attended dozens of rigorous training programs to both enhance his abilities as an investigator and to achieve and maintain a variety of qualifications.

The Monroe County District Attorney's Office Investigator Staff

Deputy Chief Investigator Robert Siersma brings more than 40 years of law enforcement experience to the Monroe County District Attorney's Office. A member of the Rochester Police Department for 30 years, Siersma retired in 2000 to become a District Attorney Investigator, where he now manages CODIS and Major Felony investigations. A former homicide investigator, Siersma directly supervises ten District Attorney Investigator Staff.

A lifelong police officer, **Investigator Rick Gosnell** joined the Rochester Police Department in 1971 after entering the police training program at 18 years of age. During his 34 years with RPD, Gosnell served in the Major Crimes patrol as a Technician and as a K-9 Officer. In 2005, Gosnell retired from the RPD to become a District Attorney Investigator, where he now serves the community by locating witnesses, conducting photo arrays, collecting DNA swabs, serving subpoenas, and taking statements.

Investigator CJ Dominic joined the Rochester Police Department in the Spring of 1986, where he spent the majority of his career serving as an Investigator in the Major Crimes Unit investigating homicides. After a 25 year career with the RPD, Dominic joined the District Attorney's Office in February 2011, where he now serves as a Violent Felony Offense Investigator.

Beginning his law enforcement career as an Army MP, **Investigator Gary Schultz** spent 21 years with the Rochester Police Department in the Intelligence Unit and as a Homicide Investigator before coming to the District Attorney's Office in 1995. Unlike most DA Investigators who serve the office at large, Investigator Schultz is assigned to the Special Victims Trial Division and conducts the bulk of the investigative work for the Child Abuse and Domestic Violence Bureaus.

Investigator Glenn Weather began his career with the Rochester Police Department in 1987, eventually becoming assigned to the Tactical Unit and the Vice Squad before spending 15 years as a homicide investigator. During his time in the Homicide Unit, Weather worked several hundred cases including two serial murder investigations, and was featured on the nationally televised series "Crime 360" on A&E. Weather retired from the RPD in 2011 to join the District Attorney's Office, where he now serves as a Violent Felony Offense Investigator.

Investigator Sam Soprano joined the Monroe County Sheriff's Office in 1984, where he served with distinction for 3 years before joining the Irondequoit Police Department in 1987. Promoted to investigator after 8 years of service, Soprano, in cooperation with the Brighton Police Department, was the lead investigator in the first case in Monroe County history solved using the CODIS DNA databank. Retiring from Irondequoit PD following 20 years of service, Soprano came to the District Attorney's Office in 2007 where he now serves as a Violent Felony Offense Investigator.

Joining the Rochester Police Department in 1969 at age 20, **Investigator Joseph Spagnola** spent 28 years with the department, a majority of which was spent as an investigator assigned to the Downtown portion of the City. During his tenure with RPD, Spagnola took part in thousands of investigations, including the Arthur Shawcross murders during the late 1980's. Spagnola came to the District Attorney's Office in 1997, where he now works as a Violent Felony Investigator.

Investigator Peter Barry began his law enforcement career with the Fairport Police Department in 1981, where he served for nearly three years as a patrol officer before joining the Greece Police Department in 1983. During his 22 year tenure with the Greece PD, Barry was assigned as a Field Training Officer and as a member of the department's SWAT team, as well as being assigned to the Monroe County Sheriff's Office Major Felony Unit, a multi-agency task force. Investigator Barry came to the DA's office January 2006, where he serves as the Investigator in Charge of Evidence and Property, tasked with overseeing all evidence coming into the office for court proceedings.

The newest member of the District Attorney Investigators, **Investigator Norberto Torrez** began his law enforcement career as a member of the Rochester Police Department in 1982, where he served as a uniform patrol officer before joining the RPD Tactical Unit in 1986. Over the next 20 years, Investigator Torrez would serve in several capacities within RPD, retiring as a Field Intelligence Officer in late 2012 before joining the District Attorney Investigators a short time later.

Investigator Joseph Dominick joined the Monroe County Sheriff's Office in 1984 as a Patrol Deputy and transitioned to the Rochester Police Department 24 months later. In 1995, Dominick was promoted to investigator and would spend the next 13 years with the RPD serving as a Homicide Investigator, Public Information Officer, and Child Abuse Investigator before retiring in 2008. Investigator Dominick then spent the next several years working in private-sector security and investigation before joined the District Attorney Investigators in early 2012.

A 36 year law enforcement professional, **Investigator Paul Boccacino** joined the Rochester Police Department as a Uniform Patrol Officer in 1977. Over the next 26 years, Boccacino would serve in numerous capacities within RPD including SWAT Team leader and as an officer in the RPD Tactical Section as well as serving in dozens of undercover operations. In addition to these responsibilities, Boccacino assumed many high level administrative roles and served as part of a multi-agency Federal violent crime task force. Retiring from RPD in 2003, Investigator Boccacino came to the District Attorney's Office, where he now serves as a Violent Felony Investigator.

The Monroe County District Attorney's Office Support Staff

The 79 Assistant District Attorneys who serve the citizens of Monroe County each day are backed by over 50 full and part time support personnel who perform numerous duties to ensure that the District Attorney's Office operates efficiently and smoothly. These Support Staff work in virtually every department performing vital internal functions for the District Attorney's Office including, but not limited to, keeping case information up-to-date and accurate, preparing required documents correctly and in a timely manner, and ensuring that the other segments of the criminal justice system operating in Monroe County (police, probation officers, judicial and court personnel, and the defense bar) are provided with the information they need to execute their duties.

District Attorney Administrator Adam Bello supervises all non-attorney and non-investigative staff in addition to managing all personnel functions, (payroll, personnel issues, time off request, and scheduling), monitoring expenditures, and formulating the annual budget request for the District Attorney's Office. Administrator Bello also authorizes payments to all vendors and contracts with expert witnesses for their services. A key facet of the Administrator's duties is to continually seek out and apply for grants that would enhance the ability of the office to prosecute crimes, and to coordinate the grant acceptance process through the Monroe County Legislature.

Assisting the District Attorney Administrator in managing the support functions required to keep the office running smoothly are the following personnel:

Communications Director David Marion is responsible for media relations, internal and external communications, and all community outreach initiatives. In addition to these duties, Mr. Marion writes correspondence and reports as required, conducts non-case related research for the District Attorney, and maintains the District Attorney's website.

District Attorney Research Analyst, Gary Campanaro, is responsible for processing all felonies and supervising certain aspects of the data entry operation. This task involves reviewing, entering and making bureau assignments for 5000-plus felony cases prosecuted by the District Attorney's Office each year. Mr. Campanaro also assists in Data Entry Operations.

Five Data Entry Clerks are responsible for opening cases in the case management system and entering all information from the Monroe County Court Dockets. In addition, Data Entry also maintains digital records by entering plea and sentence information.

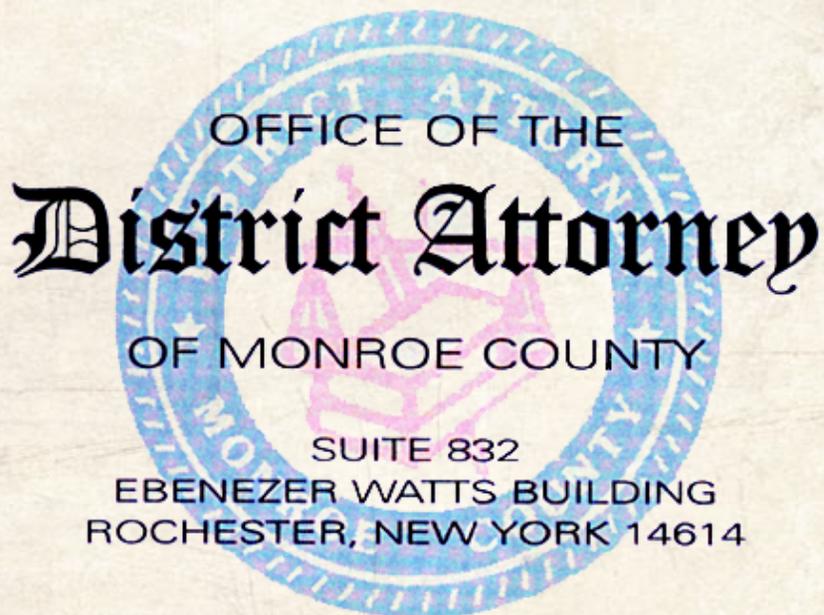
Four paralegals are currently on staff assisting 79 Assistant District Attorneys with Court and Trial Preparation, collecting information and evidence for use in all cases.

Ten Secretaries perform administrative work for the attorneys by preparing all court and Grand Jury documents and maintaining case files. **Two receptionists** handle all inquiries from law enforcement, other attorneys, the public, witnesses, and victims both in person and via telephone. All are supervised by

Confidential Assistant to the District Attorney Karen Farsace directly assists the District Attorney and is responsible for numerous duties including maintaining the District Attorney's calendar, preparing documents, and responding to requests from attorneys. In addition, Mrs. Farsace directly supervises the staff of thirteen secretaries. She is assisted in a portion of her duties by **Confidential Secretary to the Administrative Division Heads Linda Perry**.

Systems Administrator Conrad Ziarniak oversees and administers the case management system and computer network in addition to acting as the liaison with the County Information Services Department. As Systems Administrator, Mr. Ziarniak troubleshoots problems with computer systems, provides statistical data, and advises the District Attorney and the District Attorney Administrator on potential future equipment and infrastructure requirements.

All of these primary support personnel also participate in committees which decide procedural issues involving preparation of court documents, data entry protocols, and case management and case processing workflows.



**The Monroe County District Attorney's Office
Ebenezer Watts Building
47 Fitzhugh Street South
Rochester, NY 14614**

Telephone: (585) 753-4500

Email: DistrictAttorney@MonroeCounty.gov





2012



OFFICE OF THE DISTRICT ATTORNEY OF MONROE COUNTY
SUITE 832
EBENEZER WATTS BUILDING
ROCHESTER, NY 14614



OFFICE OF THE

District Attorney

OF MONROE COUNTY

SUITE 832

EBENEZER WATTS BUILDING
ROCHESTER, NEW YORK 14614